

Romæ Antiquæ Notitia :

OR, THE
ANTIQUITIES
OF

R O M E.

In Two PARTS.

- I. A short History of the *Rise, Progress, and Decay* of the *Common-Wealth*.
- II. A Description of of the *City*. An Account of the *Religion, Civil Government, and Art of War*; with the *Remarkable Customs and Ceremonies, Publick and Private*.

With *Copper Cuts* of the *Principal Buildings, &c.*

To which are prefix'd Two *ESSAYS* :
concerning the *Roman Learning*, and the
Roman Education. *K*

By *BASIL KENNETT* of C.C. Col. *Oxon.*

Dedicated to His Highness the Duke of
GLOUCESTER.

Nic desinat unquam
Tecum Graia loqui, tecum Romana vetustas. Claudian.

The Second Edition with Large Additions.

L O N D O N,

Printed for *TIMOTHY CHILD*, at the *White Hart*,
And *ROBERT KNAPLOCK*, at the *Angel and Crown*
in *St. Pauls-Church-Yard*. MDCXCIX.



T O
His HIGHNESS
T H E
DUKE of *GLOCESTER*.

S I R,
Among all the Noble Prefages of
Wit, and Honour, there is not
one by which YOUR HIGH-
NESS hath given greater Encourage-
ment to the Hopes of these Kingdoms,
than by a surprizing Curiosity, and an
impatient Desire of Knowledge. For the
satisfying of so Generous Inclinations,
YOUR HIGHNESS cannot but
A 2 seek

The Epistle Dedicatory.

seek an early Acquaintance with the *Roman* State. It must needs please **YOU, SIR**, to understand the Constitution of that People, before **YOU** appear the Rival of their Glory: And the first Steps to both these Attainments will be alike uneasy. Many Fatigues are to be undergone ere **YOU** surpass them in Action and Conduct: And in the same Manner, before **YOU** are introduced into the more delightful Scenes of their Policy and Government, **YOUR HIGHNESS** should be *first* presented with the rougher Prospect of their Customs and Ceremonies.

For Your Direction in so Noble (tho' Intricate) a Path of Ancient Story, **YOUR HIGHNESS** is desir'd to accept this small Endeavour; no otherwise than **YOU** would a few Shadows or a little Model, to give **YOU, SIR**, the first Notion of some admir'd Picture, or some magnificent Building.

There

The Epistle Dedicatory.

There is one Custom which I am apt to fancy **YOUR HIGHNESS** will read with particular Pleasure; I mean, **SIR**, the *TROJAN GAME*, a Martial Exercise, perform'd by the Youth of the first Quality in *Rome*, under such a Captain as Your self: And deriving its Original from young *Ascanius*, whom I need not fear to mention as your Precedent, since **YOU** have already honour'd Him with your Imitation.

It may be expected perhaps that out of the many Illustrious *Romans*, I should here propose to **YOUR HIGHNESS** some of the most Celebrated Examples of *Virtue* and great *Atchievements*. But this would prove a needless Piece of Service; since **YOU** cannot miss Your Way in the pursuit of the *First*, while **YOUR HIGHNESS** go's on like the *Trojan* Prince,

Matre Dea monstrante viam.

And

The Epistle Dedicatory.

And to the Other, the short Advice
which that Hero gave his Son, will en-
gage YOU as the Highest Motive:

—*Te animo repententem exempla tuorum
Et Pater Æneas & Avunculus excitet Hector.*

I am,

S I R,

YOUR HIGHNESS'S

Most Humble, and

most Obedient Servant,

Basil Kennett.

PREFACE.

THE Usefulness of this Design not being like to be call'd in question, I am oblig'd no farther than to give a short History of what attempts have hitherto been made of the same Nature, with some account of the present Undertaking.

Not to make a Catalogue of the many Treats on particular Subjects of Roman Antiquities, the Two Authors most in request for this Piece of Knowledge, are Rosinus and Godwin; the first as a full System, the other as an Abridgment or Compendium. We have nothing more complete than Rosinus taken altogether: But he will appear very deficient in many Points, if compar'd with other Learned Men who have labour'd in the adorning (some one Part of his General Subject. Thus, I believe, his Book of War has scarce been look'd into since the Publishing of Lipsius his admirable Comment on Polybius. His Accounts of the Habits, Senate, Laws and Funerals, will never be set in Competition with the more accurate Pieces of Ferrarius and Rubenius, of Paulus Manutius and Kirchman. Nor to urge that the Names, the Money, the Private Games, with several lesser Topicks are entirely omitted; and many more substantial Customs but lightly touch'd. The Paralipomena of Dempster, which are added in the best Editions, under the Name of Notes on this Author, seem for the most part purely a Transcript of Common Places, gather'd from the Classics and other Writers, with little connexion. And therefore tho they serve now and then for a Supplement to Rosinus, yet 'tis impossible they should be very instructive.

Godwin's Anthologia (which we usually meet with in our Schools) besides that it wants all the Advantages which we have receiv'd from the Learned within these Threescore Years, is so short and unsatisfactory in Subjects of the greatest Consequence; so lin'd with Phrases, which are to be found in all our Dictionaries; so stuff'd with long Passages of Latin, untranslared; has so little Method, and runs so dry and heavy in the reading, that I fancy 'tis a general Wish it were exchange'd for something else in the same Kind, of greater use, and more agreeable Entertainment.

For

P R E F A C E.

For Cantelius de Romanâ Republicâ, To me the Jesuit seems very unhappy, that by spreading half his Book in giving us a long Relation of the Roman Wars, Battels, Deaths, &c. which most Persons would rather learn from the Original Historians; he has so strain'd himself in the remaining Part, as to pass for no extraordinary Epitomizer. Besides that he can't spare Room to set down one Word of Authority for what he says.

As for these Papers: The Two Essays of the Roman Learning and Education, are, I think, what has not been before attempted in any Language; and on that Account will be the more easily Pardon'd, if not the better Accepted in the World. The Compendious History of the Rise, Progress, and Decay of the State, has this to say for it self, That it carries its own Credentials along with it in constant References to the Ancient Writers. I will not here compose a Table of Contents for the Second Part, which has run out into such length as to make the Body of the Work; only I may hint in a Word or Two, that the many Omissions of Rosinus and Godwin are largely supplied, and scarce any thing material (that I know of) pass'd by. That the City with the Famous Structures of all Sorts are describ'd from the Relations of Eye-Witnesses and Authors of Credit. That the Laws which occur in the best Classics, and often prove a great Hindrance to the Reader, are dispos'd of under proper Heads in a very convenient Manner; and the truest Accounts of their Import, and the Time when they were made, collected from the most approv'd Commentators, and from the admir'd Treatise of Manutius. That in some Subjects it was thought proper to follow (for the most Part) one particular Author, who had manag'd his Province with universal Approbation: As Sigonius, Comitias, and the Judgments: Lipsius in the Art of War, in the Gladiators, and in the Names. Kirchman in the Funerals, and Brerewood in the Account of the Money. That the curious Remarques of Scaliger, Casaubon, Grævius, Monsieur and Madam Dacier are insert'd on many Occasions. In short, that no Pains of Charges have been spar'd, which might render the Attempt truly serviceable, to the good End, for which 'twas design'd, the Pleasure and Benefit of the Reader.

As to this New Edition, Care hath been us'd to correct the Mistakes of the former, and to give such a supply to the defects as was absolutely needful. It is, with all Gratitude Acknowledg'd, that the best part of this assistance hath been afforded by the late Noble Collections of the Excellent Grævius: The Compiler wishes it may be imputed, not to Idleness, but to Design, that he hath borrowed only a Mite from that Treasury. For intending an Abridgement, not a full Body, he thought it alike unreasonable, either to swell the Bulk above the Name and Use, or to forbear such Improvements, as could scarce in honesty be denied; either to burden the Reader for the Bookseller's Advantage, or, under a pretence of easing the former, to injure both.

E S S A Y

E S S A Y I.

Of the Roman Learning.

Whoever considers the strange Beginning of the Roman State, the Frame and Constitution on which it was first settled, together with the Quality of the Original Members, will think it no wonder that the People in that early Age shou'd have a kind of Fierceness, or rather Wildness in their Temper, utterly averse to every thing that was Polite and Agreeable. This savage Disposition by degrees turn'd into a rigid severity, which encourag'd them to rely solely on the Force of their Native Virtue and Honour, without being beholden to the Advantages of Art for the improvement of their Reason, or for the assistance of their Courage. Hence a grossness of Invention pass'd currant with them for Wit, and Study was look'd on as an unmanly Labour: especially while they found that their exact Discipline and unconquer'd Resolution, render'd them Masters of Nations much more knowing than themselves. All this is frankly acknowledg'd by their own Authors: *Literæ in homine Romano* goes for a Wonder with Tully (a). And Virgil in a Reign when all the Civility and Learning of the World were transplanted to Rome, chuseth to make the Arts of Government and War the distinguishing Excellencies of his Country-Men.

*Excudent alii spirantia mollius æra,
Credo equidem: Vivos ducent de marmore vultus;
Orabunt causas melius; cœliq; meatus
Describent radio, & surgentia sidera dicent:
Tu regere imperio populos, Romane memento:
Hæ tibi erunt artes. Pacisq; imponere morem:
Parcere subjectis, & debellare superbis (b).*

(a) D: Nat. Deor. lib. 1. De Senectute. (b) Æn. 6.

ESSAY I.

Others shall best inspire the Mimick Brads,
Or out of Marble carve a living Face:
Plead with more force, and trace the Heavenly Roads,
Describing the wide Empire of the Gods:
The wandering Stars to steady Rules confine,
And teach expecting Mortals when they'll shine.
Thee Heaven, brave *Roman*, form'd for high Command,
Be these thy Arts, from thy victorious Hand
To make glad Nations own their Peace bestow'd,
To spare the Suppliant and pull down the Proud.

The Reason which *Horace* gives for the slow advances of Poetry, will hold in every other Part of Polite Learning:

Serius enim Gracis admovit acumina chartis (c).

Their little Acquaintance with the fine Wits of *Greece*, who had settled the Staple of Arts and Learning in that Country, depriv'd them of an Opportunity to cultivate and beautify their Genius, which was form'd by Nature, capable of the Highest Attainments. Some kind of Poetry indeed they had in their Rustick Times; but then the Verses were such rude doggrel Stuff, as old *Ennius* describes.

— *Quales Fauni vatesq; canebant,
Quem neque Musarum scopulos quisquam superârat,
Nec dicti studiosus erat.*

Cicero is inclin'd to think, that the old *Romans* might probably have gain'd some little Knowledge in Philosophy from the Instruction of *Pythagoras*, the famous Author of the *Italic* Sect, who flourish'd in *Italy* about the same time as the *Tarquins* were expell'd the City. But the ancient Custom of singing to the Flute the Praises of Famous Men at great Entertainments, is the only Relique he can find of this Doctrine, which was deliver'd in Poetical Numbers (d).

Their Intercourse with *Greece* begun upon their undertaking the Defence of those Parts, against *Philip* of *Macedon*, who had a design on its Liberty, about the Year of *Rome* 555, when, ac-

(c) Lib. 2. Epist. 1. (d) *Cicero Tusc. Quæst.* lib. 4.

cord.

Of the Roman Learning.

cording to their usual Practice, under the Name of Deliverers, they made themselves rather the Masters of that People. And then,

*Gracia capta serum victorem cepit, & artes
Intulit agresti Latio (e).*

The greatest Number of eminent Poets, especially Dramatic Writers, flourish'd between the end of the First and the Third *Punic* Wars; or from the Year of the City 512 to 607. The most considerable were *Livius Andronicus*, *Neuius*, *Ennius*, *Pacuvius*, *Accius*, *Cæcilius*, *Plautus*, *Afrancus*, *Terence* and *Lucilius*. And therefore *Horace* means only the First *Punic* War, when he says,

*Et post Punica Bella quietus querere cœpit
Quid Sophocles, & Thespis & Achylus utile ferrent:
Tentavit quoque rem si dignè vertere posset (f).*

The Studies of Philosophy and Rhetorick never had any tolerable Progress before the Arrival of the *Achaians*, who in the Year of *Rome* 586 or 587, to the Number of a Thousand, and more were sent for out of their own Country, where they had shown themselves disaffected to the *Romans*, and were dispers'd in several Parts of *Italy*. Among these was the Famous *Polybius* the *Megalopolitan*, whose great Parts and Learning not only gain'd him the entire Friendship of *Scipio Amyntianus* and *Lælius*, two of the greatest *Romans* in that Age, but procur'd too the Release of all his Country-Men, that remain'd after some Years Exile.

Most of that Company, tho' not equal to *Polybius*; yet being the Principal Members of the Chief Cities in *Greece*, brought away a great Share of the Politeness and refin'd Arts of that Country: And being now reduc'd to a State of Life, which took from them all Thoughts of Publick Action, they applied themselves wholly to the Pursuit of Letters, as well to divert the sad Reflections on their Banishment, as to improve and cultivate their Mind (g).

In a few Years their Example and Instructions had wrought such a strange Conversion in the *Roman* Youth, that the Senate fearing least the Ancient Discipline shou'd by this means be corrupted, and the Minds of the People softn'd and enervated by Study, consulted how to put a Stop to this Vein of Politeness, so contrary to the Rough and Warlike Disposition of their An-

(e) Lib. 2. Epist. 1. (f) Ibid. (g) Vid. *Cæsaubon*. Chronol. ad *Polyb.* & Comment. ad *Sueton.* de Grammat.

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cestors. To this Purpose we meet with a Decree bearing Date in the Consulship of *C. Fannius Strabo* and *M. Valerius Messala*, *A. U. C.* 592; by which it appears, that whereas *Marcus Pomponius* the Prætor had made a Report to the Senate about the Philosophers and Rhetoricians, the Fathers did hereby order the aforesaid Prætor to take Cognisance of the Business, and to suffer no such Men in Rome (*b*).

The eager Passion for Learning which this Prohibition had in some measure allay'd, broke out with greater Heat and Force about Sixteen Years after, upon this Famous occasion, as the Story may be made up out of several Authors (*i*).

The Athenians having plunder'd *Oropus* a City of *Bæotia*, the Inhabitants made their Complaint to Rome; the Romans referring the Case to the Judgment of the *Scyrcionians*, a Multitude of 500 Talents was impos'd on the Athenian State. Upon this Account it was resolv'd, that Commissioners should be sent to the Roman Senate, to procure a Mitigation of the Fine. The Persons pitch'd on for this Service were *Carneades* the Academick, *Diogenes* the Stoick and *Critolaus* the Peripatetick. About the time of their coming, Authors are very little agreed; but *Petavius* and *Cassaubon*, fix it in the Six Hundred and Third Year after the building of Rome. Most of the Studios Youths immediately waited on the old Gentlemen at their Arrival, and heard them discourse frequently, with Admiration. It happen'd too, that they had each of them a different way in their Harangues; for the Eloquence of *Carneades* was Violent and Rapid, *Critolaus's* Neat and Smooth, that of *Diogenes* Modest and Sober. *Carneades* one Day held a full and accurate Dispute concerning Justice; the next Day he refuted all that he had said before, by a Train of contrary Arguments, and quite took away the Virtue that he had so much commended. This he did to shew his Faculty of confuting all manner of Positive Assertions: for he was the Founder of the *Second Academy*, a Sect that denied any thing to be perceiv'd or understood in the World, and so introduced an universal Suspension of assent. It soon flew about the City that a certain *Græcian* (by whom they meant *Carneades*) carrying all before him, had impress'd so strange a Love upon the young Men, that quitting all their Pleasures and Pastimes, they run mad, as it were, after Philosophy. This to the generality of People, was a very pleasant Sight, and they Reioyce extream-

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ly to find their Sons wellcome the *Græcian* Literature in so hearty a manner. But old *Cato* the Censor, took it in great Dudgeon, fearing least the Youth being diverted by such Entertainments, shou'd prefer the Glory of speaking, to that of acting. So that, the Fame of the Philosophers increasing every Day, he resolv'd to send them packing as soon as possible. With this Design coming into the Senate, he accused the Magistrates for not giving the Ambassadors a speedier Dispatch; they being Persons who cou'd easily persuade the People, to what ever they pleas'd: He advis'd therefore that in all halt something shou'd be concluded on, that being sent home to their own Schools, they might Declaim to the *Græcian* Children; and the Roman Youth might be obedient to their own Laws and Governours as formerly.

The same grave Disciplinarian, to fight his Son from any thing of the *Græcians*, us'd to pronounce like the Voice of an Oracle, in a harsher and louder Tone than ordinary, That the Romans wou'd certainly be destroy'd, when they began once to be infected with *Greek*. But 'tis very likely that he afterwards alter'd his mind, since his learning *Greek* in his old Age is a known Story, and depends on good Authority (*k*). The Lord Bacon lays 'Twas a Judgment on him, for his Former Blasphemy (*l*).

The Ambassadors upon the Motion of *Cato*, had a quick Dismission, but left so happy an Inclination in the young Gentlemen to Philosophy and good Letters, that they grew every Day more enamour'd of Study; and shou'd as much Diligence in their Pursuits of Knowledge, as they had ever done in their applications to War.

In the Year of the City 608 or 609, *Greece*, which had hitherto retain'd some Shadow of Liberty, tho' it had been a long while at the Roman Command, was upon some slight Occasion entered with an Army under *L. Mummius*, and reduced to the common State of the other conquer'd Nations. This Exploit happening in the very same Year that *Carthage* was destroy'd by *P. Scipio Æmilianus*, it will be very pleasant to observe the different Genius of the Two Commanders, who had the Honour of these Achievements; and to see how Politeness and the ancient Simplicity were now in a Strife at Rome. *Mummius* was so far unskill'd in the curious Inventions of Art, that after the taking of *Corinth*, when a great Number of admirable Pictures and Statues, by the best Masters, came into his Hands, he told

(*b*) *Secon. de Clar. Grammat. cap. 1. A. Gell. lib. 15. cap. 11. (i) Plutarch in Cat. Major. A. Gell. lib. 7. cap. 14. Macrob. Sat. 1. c. 15.*

(*k*) *Cicero Academ. 1. De Senect. Quintilian Inst. lib. 12 cap. 11. (l) Advancement of Learning, Book 1.*

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the Servants that were to carry them into *Italy*, If they lost any by the Way, they shou'd certainly find him new ones in their room (m).

Scipio on the other Hand to the Courage and Virtue of ancient Heroes, had join'd a profound Knowledge of the Sciences, with all the Graces and Ornaments of Wit. His Patronage was courted by every one that made any Figure in Learning. *Panaetius*, whom *Tully* calls the Prince of the Stoicks, and the incomparable Historian *Polybius*, were his Bosom-Friends, the assistants of his Studies at home, and the constant Companions of his Expeditions (n). To which may be added the Remark of a very great Man, that he pass'd the soft Hours of his Life, in the Conversation of Terence, and was thought to have a Part in the Composition of his Comedies (o).

The highest pitch of the *Roman* Grandeur, in the Time of the Common-Wealth, is thought to have been concluded before the final Reduction of *Carthage*, and of *Greece* (p); and the common Reason assign'd for its decay, is, that *Athens* being now become the Mart of the World, for Wit and Breeding, imported the Arts of Debauchery among her more Noble productions to *Rome*; and maintain'd their Luxury as well as their Studies and Conversation at her Charge. But however their ancient Prowess might decline, it's certain the Conquest of the great Empire of *Science*, was now carried on more vigorously than ever. The Tide of Learning and Humanity run every day with greater Force, and after the Famous *Cato* scarce met with any to oppose it. Between this Period, and the Death of *Sylla* (scarce Seventy Years) the Most Renowned Orators *Crassus* and *Antony*, rul'd the *Forum*, who were Succeeded by *Sulpicius*, *Cotta*, *Hortensius*, and other great Names recorded by *Tully* in his *Brutus*. At the same time, the Two *Scavola's*, the *Augur* and the *Pontiff*, advanc'd Civil-Law to its full Perfection. And *Lucretius* (who wrote about the Time of the *Jugurthine* War) as he excell'd even the *Gracian* Disciples of *Epicurus*, in explaining and defending his Doctrine, so he directs us where to begin, in fixing the Height and Purity of the *Roman* Poesy and Style (q). Philosophers were now in universal Honour and Request, being invited from all Parts for the Education and Instruction of young Noblemen, and for Advice and Assistance of the greatest Mi-

(m) *Vell. Paterc.* Lib. 1. cap. 13. (n) *Ibid.* (o) *Sir Will. Temple's* Miscell. P. 2. Essay 4. (p) *Vid. Casaubon* Chronolog. ad *Polyb.* (q) *Sir Will. Temple.* Miscell. P. 2. Essay 1.

nisters

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nisters of State. And what is most surprizing, Arts and Civility were rather encourag'd than frighted away by the Wars, and the Muses, like their Patroness *Minerva*, had very often their residence in the Camp. *Sylla* himself wrote Two and Twenty Books of Memoirs (r), and contributed in an extraordinary Manner, to the Advancement of Knowledge, by transporting to *Rome* the Famous Library of *Apellicon*, the *Peripatetick*, in which were most of *Aristotle* and *Theophrastus* his Works, which had been long unknown to the greatest part of their Followers (s).

Sylla's Rival *Marius* was the only Man of Note, in that Age, who retain'd the old Sowreness and unpolish'd Manner of the first *Romans*. He indeed wou'd never study *Greek*, nor suffer that Language to be us'd in any Matters of Consequence; as thinking it Ridiculous to bestow Time in that Learning, the Teachers whereof were little better than Slaves (t).

But then *Lucullus* who succeeded *Sylla* in the Military Glory, as to matters of Learning was much his Superiour. In his Youth he had so absolute a Command of the Two only Tongues then in Request, that upon a Project of compiling an History, he fairly took his Chance, whether he shou'd write in *Greek* or *Latin*, in Prose or Verse. And after all his Feats of Arms in the *Mithridatic* War, when he was depriv'd of his Command by the prevailing Faction of *Pompey*, the great Employment of his Privacy and Retreat, was the promoting of Knowledge. With this Design he built a Library, furnish'd it with a vast Number of Books, fairly transcrib'd, and made it free to all Comers. The Walks and Schools, which he rais'd near the Library, were always full of *Gracians*, who retiring hither from Business, diverted one another with Conferences and Debates, in the same Manner as was us'd in their own Country; making Advantage of Friendly Conversation toward the improvement of their Understandings. *Lucullus* himself often studied there, sometimes disputing with the Learned Men, and sometimes giving his Advice in Matters of State, to those that desired it; tho' he meddled with no Publick Business in Person. He was very well vers'd in all the Sects of Philosophy, but adher'd closely to the old Academy, whereas his Friend *Cicero*, was a great Stickler for the New. Hence it is that we find the latter Book of the *Academic Questions* inscrib'd *Lucullus*, where that great Man is brought in defending the Opinions of his Sect (u).

(r) *Plutarch* in *Sylla*. (s) *Ibid.* & *Strabo* lib. 13. (t) *Plutarch* in *Marius*. (u) *Plutarch* in *Lucull.*

The whole Majesty of Language, and Height of Eloquence shown out, as it were, all at once in *Tully*; so that *Parerculus* has well observ'd, *delectari ante enim paucissimis, mirati vero neminem possis, nisi aut ab illo visum, aut qui illum videris* (w).

Perhaps the same Remark will hold good in his Philosophy: Or at least with Respect to his Predecessors, the latter Study will yield him an equal Praise with the former. For to handle the Subject of Naturals and Morals in the *Latine* Tongue, was purely a new Province reserv'd for his management, and left untouched till that Time by the Learned. This he lets us know in several Parts of his Works, particularly in this Proem to the *Tusculan* Questions; where at the same time he gives us a short Account of the Progress and Advances of Arts among the *Romans*, infinitely worth the transcribing. *Meum semper iudicium fuit, &c. It was always my Opinion* (says he) *that either our Country-Men have been more happy in their Inventions of every Kind than the Greeks, or that they have made a vast Improvement in whatever they borrow'd from that Nation; and thought worth their while to polish and refine. For as to the Conduct of Life, and the Rules of Breeding and Behaviour, together with the management of Family Concerns, we are Masters of more exactness, and have a much gentiler Air. If we ascend to the governing and regulating of Publick States, our Ancestors may justly claim the Preference in this part of Wisdom, on account of their admirable Laws and Institutions. In Military Affairs we have made a more considerable Advance than any before us; which is owing no less to our Discipline than to our Native Bravery.*

'Tis true Greece has always had the Renown beyond us, for their attainment in every Part of Learning; and it was an easie matter to Conquer, when they met with no Opposition. Poetry (the most ancient sort of Writing) had but a late reception among us: For Livius Andronicus presented his first Dramatick Piece 510 (it shou'd be 514 years after the Building of Rome, in the Consulship of C. Claudius, Son to Appius Cæcus) M. Tuditanus, a Year before the Birth of Ennius, who is senior to Plautus and Nævius.

As he goes on, he attributes the slow Progress of Poesy, to the want of due Reward and Encouragement, and tells us that in a publick Oration of *Cato's*, it was Objected as a Reproach to *Marcus Nobilior*, that he had carried the Poet *Ennius* with him

into *Ætolia*, when he went to reside there as Governour. That there was no Part of the Mathematics (which the *Gracians* esteem'd so honourable a Study) of use in *Rome*, but the bare Practice of measuring and casting Accompt. For Oratory, he observes that the *Romans* embrac'd this very soon: but at first without the Advantages of a learned Institution; which were afterwards added with so good Success, as to set them on equal Terms, with the most Eloquent Masters of *Greece*. But that Philosophy had lain neglected till that time, and had met with no eminent Authour to adorn it in the *Latine* Tongue. This therefore he professeth to undertake as his proper Office, and how happily he succeeded in the Attempt, his Works on that Subject will be a lasting Argument.

If we compare *Tully* with his Friend *Atticus*, we find them both together answering the two excellent Ends of Philosophy, the Service of the Publick, and the private Ease and Tranquillity of an inoffensive Life. The former directed all his Studies to Action, in the defence of the Common-Wealth, and the opposing all Designs on its Liberty. The latter by never entering the Scene of Business, made himself equally honour'd and courted by all Parties from *Sylla* to *Augustus Cæsar*. The one gain'd to himself more Glory, the other more hearty Love and Esteem; and I believe most Persons wou'd be inclin'd to follow *Atticus*, and to commend *Cicero*.

Crassus, Pompey, Antony, Cæsar, Cato and *Brutus*, who made such a Noise in the World almost all at the same time, were the most refin'd Scholars of their Age. The Three first indeed confin'd themselves to the Practice of Eloquence, till they were wholly diverted by the Profession of Arms. But the Three last, as they out-shone the former in Oratory, so they had made much greater Advances in the other Parts of Humane Learning. Poetry and Philosophy were the diversion of *Cæsar's* leisure Hours, and his History will be the Model of good Language, as long as himself the Example of great Achievements.

The Whole Conduct of *Cato's* Life, shews him a greater *Stoick* than the most rigid Professors of that Sect; or however they might equal him in Knowledge, 'tis certain he sham'd them in Practice.

Brutus had been a Hearer of all the Sects of Philosophers, and made some Proficiency in every one. When a Soldier under *Pompey*, in the Civil Wars, all the time that he was in the Camp, except what he spent in the General's Company, he Employ'd in reading and study. And the very day before the

(w) Hist. lib. 1. cap. 17.

ESSAY I.

the decisive Battle at *Pharsalia*, tho' it was then the middle of Summer, and the Camp under many inconveniences, and he himself extreamly harrass'd and out of Order; yet while others were either laid down to sleep, or taken up with Apprehensions about the issue of the Fight, he spent all his Time 'till the Evening, in writing an Epitome of *Polybius* (x).

It's universally known, that the *Roman* Literature as well as Empire, was in its highest Ascendant under *Augustus*. All the delicate Fruits Transplanted from *Greece*, were now in their Blossom, being cherish'd by the Calmness of the Season, and cultivated by the Hand of an Emperor.

I have often wonder'd that *Mecenas* shou'd all along carry away the sole Honour of encouraging the Wit and Knowledge of this Reign; when it seems Probable that he acted only in imitation of his Master; as the Humours of Princes commonly determine the Inclinations of their Favourites. The quite contrary happen'd to the other great Minister *Agrippa*; the Glory of his Exploits was refer'd to the Emperour, while the Emperour's Bounty advanc'd *Mecenas* his Esteem. And indeed the Celebration of *Augustus* his Triumphs, and the Panegyrics on his Piety, were sufficient to set him out in the most taking Colours: But had *Mecenas* been denied the shining Character of a Patron, he might have roll'd on in Silence among *Epicurus* his Herd, and scarce have been ever drawn by the Poet's Hand, unless in the same Posture as *Silenus*.

*Inflatum hesterno venas ut semper Iaccho:
Serta procul capiti tantum delapsa jacebant,
Et gravis attrita pendebat cantharus ansa* (y).

But whoever of the Two was the Nobler Patron, *Augustus* must be acknowledg'd to have been the greater Scholar: And for proof we need go no farther than *Suetonius*, who has spent no less than Six Chapters on the Learning of this Emperour: His prodigious Industry in the Study of Eloquence, and Liberal Arts; his Labour in composing every thing that he spoke in Publick, tho' he had a very good Faculty at *extempore* Harangues; his polite and clean Style; his accurate Knowledge of the *Græcian* Literature, by the assistance of their best Masters of Rhetoric and Philosophy; the Thirteenth Book of the History of his

(x) *Plutarch* in *Brut.* (y) *Virgil* *Ecl.* 6.

own

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own Life; his Exhortation to Philosophy, with several other works in Prose; his Book of Hexameters and another of Epigrams, all consider'd together may equal him with the most Learned Princes in Story.

Being thus arriv'd at the Highest Point of the *Roman* Attainments, it cannot be unpleasant to look about us, and to take a short survey of the Productions in every Kind. Eloquence indeed will appear at some Distance, rather in the *Augustan* Age, than in *Augustus* his Reign, ending in *Cicero*, at the Dissolution of the Common-Wealth. Not that his Death was properly the Ruine of his Profession; for the Philosopher might have liv'd much longer, and yet the Orator have been gone; when once the ancient Liberty was taken away, which inspir'd him with all his lofty Thoughts, and was the very Soul of his Harangues: But then the Bounds of History and Poesy, were fix'd under the Emperors Protection by *Livy*, *Virgil* and *Horace*. And if we desire a view of Philosophy, the two Poets will account for that as well as for their own Province.

I think none will deny *Horace* the Elogy given him by a celebrated Writer, That he was the greatest Master of Life, and of true Sense in the Conduct of it (z). Especially since the Author of that Judgment is one of those whom (had he liv'd then) *Horace* himself wou'd have willingly chose for his Judge, and inserted in that short Catalogue of Men of Wit and Honour, whom he desir'd shou'd approve his Labours (a).

Whether or no the common Saying be True, that if all Arts and Sciences were lost, they might be found in *Virgil*; it's plain he div'd very deep into the Mysteries of Natural Science, which he sets forth in all its Ornaments, in several Parts of his Divine Work. And in that admirable Place of his Second *Georgic*, when he expresseth, in a sort of Transport, his Inclinations to Poesy, he seems to Direct its whole End towards the Speculations of the Philosophers; and to make the Muses Hand-Maids to Nature.

*Me verò primum dulces ante omnia Muses,
Quarum sacra fero ingenti percussus amore,
Accipiant, cœliq; vias & sidera monstrent,
Defectus solis varios, Lunæq; Labores:*

(z.) *Sir Will. Temple*. Miscellan. P. 2. Essay 2. (a) Book 1. Sat. 10.

Unde

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*Unde terror terris ; quâ vim maria altatumescent
Obicibus ruptis, rursusq ; in seipsa recidunt :
Quid tantum Oceano properent se tingere soles
Hyberni : vel quæ tardis mora noctibus obstet.*

For me, the first desire which does controul
All the inferior Wheels that move my Soul,
Is, that the Muse me her High-Priest wou'd make ;
Into her holy Scenes of Mystery take,
And open there to my Mind's purged Eye,
Those Wonders which to Sense the Gods deny ;
How in the Moon such change of Shapes is found ;
The Moon, the changing World's etennal Bound.
What shakes the solid Earth, what strong Disease
Dares trouble the fair Centre's ancient Ease ?
What makes the Sea Retreat, and what Advance ?
Varieties too regular for Chance.
What drives the Chariot on of Winters's Light,
And stops the lazy Wagon of the Night ? [Mr. Cowley.

After *Augustus*, the Roman Muses as well as the Eagles stoop'd from their former Height : and perhaps one of these Misfortunes might be a necessary Consequence of the other. I am very sorry when I find either of them attributed to the Change of Government, and the Settlement of the Monarchy. For had the *Maxims* and the Example of *Augustus* been pursu'd by his Successors, the Empire in probability might have been much more Glorious than the Common Wealth. But while a new Scheme of Politicks was introduc'd by *Tiberius*, and the *Cæsars* began to Act what the *Tarquins* wou'd have been ashamed of, the Learning might very well be corrupted, together with the Manners and the Discipline, and all beyond any Hopes of a Recovery.

It cannot be deny'd that some of the worst Princes were the most passionate affecters of Learning, particularly *Tiberius*, *Claudius* and *Nero* : But this rather deter'd other Men from such Attempts, than encourag'd them in their Pursuits ; while an applauded Scholar was as much envied, as a fortunate Commander ; and a Rival in Wit, accounted as dangerous as a Contender for the Empire : The first being certainly the more hardy Fellow, who dar'd Challenge his Masters at their own Weapons.

What-

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Whatever Essays were made to recover the languishing Arts under *Vespasian*, *Titus*, and *Domitian* (for this last too was an encourager of Poetry, tho' he banish'd the Philosophers) scarce serv'd to any better Purpose, than to demonstrate the poor Success of Study and Application, while the ancient Genius was wanting.

In the Six next Reigns, immediately following *Domitian*, Learning seems to have enjoy'd a sort of lucid Interval, and the Banish'd Favourite was again admitted to Court, being highly countenanc'd and appaiaud by the best set of Princes *Rome* ever saw.

Not to enquire after the Productions of the other Reigns, the useful Labours of *Tacitus*, *Suetonius* and *Pliny Junior* will make the Government of *Trajan* more famous than all his Feats of Arms. If they are less happy in their Language than the Ancients, in other respects perhaps they have over-match'd them. The Historians in the delicacy of their Politicks, and the sincere Truth of their Relations ; and the Orator in his Wit and good Sense. If we add to these *Plutarch*, who wrote most of his Works in *Rome*, and was honour'd by *Trajan* with the Consulship ; and *Quintilian* who flourish'd a very little Time before ; they may pass for the Twilight of Learning after the Sun-set of the *Augustan* Age ; or rather be resembled to a glimmering Taper which casts a double Light when its just on the Point of Expiring.

'Tis an Observation of *Sir William Temple*, that all the *Latin* Books which we have till the End of *Trajan*, and all the *Greek* 'till the End of *Marcus Antoninus*, have a true and very esteemable Value ; but that all written since that time, owe their Price purely to our Curiosity, and not to their own Worth and Excellence.

But the purity of the Tongue was long before corrupted, and ended, in *Sir William Temple's* Judgement, with *Velleius Paterculus* under *Tiberius*. The Reason he assigns for this Decay, is, the strange resort of the ruder Nations to *Rome*, after the Conquest of their own Country.

Thus the *Gauls* and *Germans* flock'd in Multitudes both to the Army and the City, after the reducing of those Parts by *Julius Cæsar*, *Augustus* and *Tiberius* ; as many *Spaniards* and *Syrians* had done before on the like account. But the greatest Confluence of Foreigners follow'd upon the Victories of *Trajan* in the *East*, and his Establishment of the Three new Provinces, *Armenia*, *Assyria* and *Mesopotamia* : And tho' *Adrian* voluntarily re-

linguish'd

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linquish'd these new Acquisitions, yet the prodigious Swarms of the Natives, who had waited on his Predecessor's Triumphs, were still oblig'd to live in *Rome*, in the condition of Slaves.

The greatest part of the succeeding Princes, who found it so hard an Enterprize to defend their own Territories, had little leisure or concern to guard the Possessions of the Muses. And therefore *Claudian* in those Verses of this Panegyric on *Stilico*,

*Hinc priscae redeunt artes, seicibus inde
Ingeniis aperitur iter, despectaq; Musa
Colla levant.*

is guilty of a grand peice of Flattery, in making that Minister the Restorer of Polite Studies, when it is plain that in his time (under *Honorius*) were the last strugglings of the *Roman* State.

The *Goths* and *Vandals*, who soon carried all before them, might easily fright Learning and Sciences off the Stage, since they were already so much out of Countenance, and thus render the Conquerors of the Universe as Rough and Illiterate as their first Progenitors.

In this manner the Inundations of the barbarous People, prov'd equally fatal to Arts and Empire; and *Rome* herself, when she ceas'd to be the Mistress of the World, in a little time quite forgot to speak *Latin*.

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TIS an Obvious remark, that the strongest Body owes its Vigour in a great measure to the very Milk it receiv'd in its Infancy, and to the first knitting of the Joints. That the most stately Trees, and the fairest of Herbs and Flowers, are beholden for their Shade and Beauty to the Hand that first fixt them in an agreeable Soil: An advantage which if they happen to want, they seldom fail to degenerate into Wildness, and to assume a Nature quite different from their proper Species. Every own knows how to apply the same Observations to Morals, who has the Sense to discover it in Naturals. Hence the most renown'd People in Story, are those whose Law-givers thought it their noblest and most important Work, to prescribe Rules for the early Institution of Youth. On this Basis *Lycurgus* founded the glorious Discipline of the *Spartans*, which continued for Five Hundred Years, without any considerable Violation. The *Indian* *Brachmans* had a Strain beyond all the Wit of Greece, beginning their Care of Mankind even before the Birth, and employing much thought and diligence about the Diet and Entertainment of their breeding Women; so far as to furnish them with pleasant Imaginations, to compose their Minds and their Sleep with the best Temper, during the time that they carried their Burthen (b).

Plutarch severely reprehends the Conduct of *Numa*, that in his settlement of the *Roman* State, he did not in the first place provide and constitute Rules for the Education of Children; and makes the Remissness in this early Discipline, the chief Cause of the seditious and turbulent temper of that People, and what

(b) Sir Will. Temple's Miscell. P. 2. Essay 1.

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contributed highly to the Ruine of the Common-Wealth (c). Thus much indeed seems agreed on by all the latter Historians, that in the looser times of the Empire, the shameful Negligence of Parents and Instructors, with its necessary Consequence, the Corruption and Decay of Morality and good Letters, struck a very great blow towards the dissolving of that glorious Fabrick. But in the rising Ages of *Rome*, while their primitive Integrity and Virtue flourish'd with their Arms and Command, the training up of Youth was look'd on as a most Sacred Duty; and they thought themselves in the highest Manner Oblig'd to leave fit Successors to the Empire of the World. So that upon a short Survey of their whole Method and Discipline from the Birth to the entrance on publick Business, they will appear so far to have exceeded the Wisdom and Care of other Nations, as to contend for this Glory, even with the ancient *Spartans*, whom *Plutarch* has magnified so much beyond them: especially, if we agree with a very great Judge, that the taking no Care about the Learning, but only about the Lives and Manners of Children, may be justly thought a defect in *Lycurgus* his Institution (d).

Quintilian (or *Tacitus*) in the Dialogue *de Oratoribus*, gives an excellent Account of the old way of breeding Children, and sets it off with great Advantage, by comparing it with the Modern.

'As soon as the Child was born, he was not given in charge to an hir'd Nurse, to live with her in some pityful Hole that serv'd for her Lodgings; but was brought up in the Lap and Bosom of the Mother, who reckon'd it among her chief Commendations to keep the House, and to wait on the Children. Some ancient Matron was pitch'd on out of the Neighbours, whose Life and Manners rendred her worthy of that office, to whose Care the Children of every Family were committed: Before whom 'twas reckon'd the most hainous thing in the World to speak an ill Word, or to do an ill Action. Nor had she an Eye only on their Instruction, and the Business that they were to follow, but with an equal Modesty and Gravity she regulated their very Diversions and Recreations. Thus *Cornelia*, *Aurelia* and *Atia*, Mothers to the *Gracchi*, *Julius Caesar* and *Augustus* are reported to have undertaken the Office

(c) *Plutarch*. Compar. of *Numa* and *Lycurg*. (d) Arch-Bishop *Tillotson's* Sermon of Education.

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'of Governesses, and to have imploy'd themselves in the Education of Noblemens Children. The strictness and severity of such an Institution had this very good Design, that the Mind being thus preserv'd in its primitive Innocence and Integrity, and not debauch'd by ill Custom or ill Example, might apply its self with the greatest willingness to the Liberal Arts, and embrace them with all its Powers and Faculties. That whether it was particularly inclin'd either to the Profession of Arms, or to the understanding of the Law, or to the practice of Eloquence; might make that its only Business, and greedily drink in the whole Knowledge of the belov'd Study.

'But now the young Infant is given in charge to some poor *Gratian* Wench, and one or two of the Serving-Men perhaps are join'd in the Commission; generally the meanest and most ill-bred of the whole Pack, and such as are unfit for any serious Business. From the Stories and Tattle of such fine Companions, the soft and flexible Nature must take its first Impression and bent. Over the whole Family there is not the least Care taken of what is said or done before the Child: while the very Parents instead of inuring their dear little Ones to Vertue and Modesty, accustom them, on the quite contrary, to Licentiousness and wantoness, the natural result of which is a settled Impudence, and a contempt of those very Parents, and every Body else.

Thus altho' the Care and Instruction of Youth, among the old *Romans*, had been provided for by the publick Laws, as in the *Spartan* State, yet the voluntary Diligence of Parents would have made all such Regulations useless.

Among the domestick Cares, it will not be from the Purpose to take particular Notice of one, which requir'd little Trouble or Difficulty, and yet prov'd as Beneficial and Serviceable as any other Institution. I mean the using Children to speak the Language purely at first; by letting them hear nothing but the truest and most proper Phrase. By this only Advantage several Persons arriv'd at no ordinary Repute in the *Forum*, who were so unhappy to want many other Qualifications.

Tully Says that the *Gracchi* were educated, *non tam in gremio, quam in sermone matris*: And he reports of *C. Curio*, who was reckon'd the third Orator of his time, that he understood no Poet, had read no Books of Eloquence; had made no Historical Collection; and had no Knowledge of the publick or private Part of the Law. The only thing which gain'd him his Applause was

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a clean shining Phrase, and a sudden quickness and Fluency of Expression. This he got purely by the Benefit of his private Education; being us'd to such a correct and polish'd way of speaking in the House were he was brought up (e).

For Masters, in the first Place they had the *Literatores* or *Regum* *usque*, who taught the Children to write and read: To these they were committed about the Age of Six or Seven Years (f). Being come from under their Care they were sent to the *Grammar-Schools*, to learn the Art of speaking well, and the understanding of Authors: Or more frequently in the House of great Men, some eminent Grammarian was entertain'd for that Employment.

It is pleasant to consider what Prudence was us'd in these early Years, to insill into the Children's Minds a Love and Inclination to the *Forum*, whence they were to expect the greatest Share of their Honours and Preferments. For *Cicero* tells *Atticus* in his Second Book *de Legibus*, that when they were Boys they us'd to learn the famous Laws of the Twelve Tables by Heart, in the same Manner as they did an excellent Poem. And *Plutarch* relates in his Life of the Younger *Cato*, that the very Children had a Play in which they acted Pleadings of Causes before the Judges; accusing one another and carrying the condemn'd Party to Prison.

The Masters already mention'd, together with the Instructors in the several sorts of Manly Exercises, for the improving of their natural Strength and Force, do not properly deserve that Name, if set in view with the Rhetoricians and Philosophers; who after that Reason had display'd her Faculties, and establish'd her command, were employ'd to cultivate and adorn the Advantages of Nature, and to give the last hand toward the forming of a *Roman* Citizen. Few Persons made any great Figure on the Scene of Action in their own time, or in History afterwards, who besides the constant frequenting of Public Lectures, did not keep with them in the House some eminent Professor of Oratory or Wisdom.

I have often thought that one main Reason of the prodigious Progress made by young Gentlemen, under these private Tutors, was the perfect Love and Endearment which was found to have been between Master and Scholar, by which means

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Government and Instruction proceeded in the sweetest and easiest way. All Persons in the happy Ages of *Rome*, had the same Honour and Respect for their Teachers, as *Persius* had for his Master, *Cornutus* the *Stoick*, to whom addressing himself in his fifth Satyre, he thus admirably describes his own Love and Piety to his Governour, and the strict Friendship that was between them,

Cumq; iter ambiguum est, & visa nescius error
Diducit trepidas ramosa in compita mentes,
Me tibi suppositi: Teneros in suscipis annos
Socratico Cornute fini; tunc fallere solers
Apposita intortos extendit regula mores;
Et premittitur ratione animus vinciq; laborat,
Artificemq; tuo ducit sub pollice vultum.
Tecum etenim longos memini consumiere soles;
Et tecum primas epulis decerpere noctes.
Unum opus, & requiem pariter disponimus ambo,
Atque verecunda laxamus seria mensa.
Non equidem hoc dubites amorum federe certo
Consentire dies, & ab uno sidere duci.
Nostra vel equali suspendit tempora libra
Parca tenax veri, seu nata fidelibus hora
Dividit in Geminos concordia fata duorum;
Saturnumq; gravem nostro Jove fregemus una.
Nescio quod certe est quod me tibi temperat astrum:

Just at the Age when Manhood sets me free,
 I then depos'd my self, and left the Reins to thee:
 On thy wise Bosom I repos'd my Head,
 And by my better *Socrates* was bred.
 Then thy straight Rule set Virtue in my sight,
 The crooked Line reforming by the right,
 My Reason took the Bent of thy Command;
 Was form'd and polish'd by thy skilful Hand.
 Long Summer-days thy Precepts I rehearse,
 And Winter-nights were short in our Converse.
 One was our Labour, one was our Repose;
 One frugal Supper did our Studies close.
 Sure on our Birth some friendly Planet shone,
 And as our Souls. our Horoscope was one.
 Whether the mounting Twins did Heaven adorn,
 Or with the rising Balance we were born.

(e) *Cic. in Brut.* (f) *Vid. Dacier ad Akrat. Sat. 1. Lib. 1.*

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Both have the same Impression from above,
And both have *Satan's* Rage repel'd by *Jove*.
What Star I know not, but some Star I find,
Has giv'n thee an Ascendant o'er my Mind.

[Mr. *Dryden*.]

Nor was the Reverence paid by the Publick to the Informer
of Youth, less Remarkable than the Esteem and Duty of their
Scholars. Which makes *Juvenal* break out into that elegant
Rapture.

*Dii majorum umbris tennem & sine pondere terram
Spirantesq; crocos, & in urna perpetuum vcr,
Qui præceptorem sancti volvere parentis
Esse loco (g).*

In Peace ye Shades of our great Grandfires rest,
No heavy Earth your sacred Bones molest.
Eternal Springs and rising Flowers adorn
The Reliques of each venerable Urn,
Who pious Reverence to their Tutors paid.
As parents Honour'd, and as Gods obey'd.

[Mr. *Charles Dryden*.]

At the Age of Seventeen Years, the young Gentlemen, when
they put on their manly Gown, were brought in a solemn Man-
ner to the *Forum*, and entered in the Study of Pleading: Not
only if they design'd to make this their chief Profession, but altho'
their Inclinations lay rather to the Camp. For we scarce meet
with any famous Captain who was not a good speaker; or any
eminent Orator, who had not serv'd some time in the Army.
Thus it was requisite for all Persons who had any Thoughts of
rising in the World, to make a good Appearance both at the
Bar and in the Field; because if the success of their Valour and
Conduct shou'd advance them to any considerable Post, it wou'd
have prov'd almost impossible without the Advantage of Elo-
quence, to maintain their Authority with the Senate and Peo-
ple. Or if the Force of their Oratory shou'd in time procure
them the honourable Office of *Prator* or *Consul*, they wou'd
not have been in a Capacity to undertake the Government of

(g) Sat. 7.

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the Provinces (which fell to their Share at the Expiration of
these Employments) without some experience in Military Com-
mands.

Yet because the Profession of Arms was an Art, which wou'd
easily give them an Opportunity of Signalizing themselves, and in
which they wou'd almost Naturally excel, as Occasions should be
afterwards offer'd, for their Service; their whole applications
and Endeavours were directed at present to the Study of Law
and Rhetorick, as the Foundations of their future Grandeur.
Or perhaps they now and then made a Campaign, as well for
a Diversion from several Labours, as for their Improvement in
Martial Discipline.

In the *Dialogue de Oratoribus*, we have a very good Account
of this Admission of young Gentlemen to the *Forum*, and of the
necessity of such a Course in the Common-Wealth; which
coming from so great a Master cannot fail to be very Pertinent
and Instructive.

Among our Ancestors (says that Author) the Youth who was
design'd for the *Forum*, and the Practice of Eloquence, being
now furnish'd with the Liberal Arts, and the Advantage of a
Domestick Institution, was brought by his Father, or near Re-
lations, to the most celebrated Orator in the City. Him he us'd
constantly to attend, and to be always present at his perfor-
mance of any Kind, either in judicial Matters, or in the ordi-
nary Assemblies of the People. So that by this Means he learnt
to engage in the Laurels and Contentions of the Bar, and to
approve himself a Man at Arms, in the Wars of the Pleaders.

For in that ancient Constitution of a mixt State, when the
Differences were never refer'd to one supream Person, the
Orators determin'd Matters as they pleas'd, by prevailing on
the Minds of the ignorant Multitude. Hence came the Ambition
of Popular Applause; hence the great variety of Laws
and Degrees; hence the tedious Speeches and Harangues of the
Magistrates, sometimes carried on whole Nights in the *Rostra*:
Hence the frequent Indictment and Impleading of the powerful
Criminals, and the exposing of Houses to the Violence and
Fury of the Rabble: hence the Factions of the Nobility, and
the constant Heats and Bickerings between the Senate and Peo-
ple. All which, tho' in a great Measure they Distracted the
Common-Wealth, yet had this good Effect, that they exer-
cis'd and improv'd the Eloquence of those times, by proposing
the highest Rewards to that Study. Because the more excel-

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Is it not evident that any Person appear'd in the Art of Speaking, the more easily he arriv'd at Honours and Employments; the more he surpass'd his Collegue in the same Office, the greater was his Favour with the leading Men of the City, his Authority with the Senate, and his Renown and Esteem among the Commons. These Men were courted and waited on by Clients even of Foreign Nations: These, when they undertook the Command of Provinces, the very Magistrates reverenc'd at their departure, and ador'd at their return: These the highest Offices of *Prætor* and *Consul* seem'd to require, and call for, and court their acceptance: these when in a private Station abated very little of their Authority, while they guided both the Senate and People by their Counsel. For they took this for an infallible Maxim, that without Eloquence 'twas impossible either to attain or to defend a considerable Trust in the Common-Wealth: And no wonder when they were drawn to Business, even against their Will, and compell'd to show their Parts in Publick. When 'twas reckon'd but an ordinary Matter to deliver ones Opinion in short before the Senate, unless a Man cou'd maintain and improve it with the engaging Ornaments of Wit and Elegance. When if they had contracted any Envy or Suspicion, they were to answer the Accuser's Charge in Person. When they cou'd not so much as give their Evidence, as to Publick Matters, in Writing; but were oblig'd to appear in Court, and to deliver it with their own Mouth. So that there was not only a vast Encouragement but even a necessity of Eloquence: To be a fine Speaker was counted brave and glorious; on the other Hand, to act only a mute Person, on the publick Stage, was Scandalous and Reproachful. And thus a Scene of Honour, and desire of avoiding Infamy, was a main Incitement, to their Endeavours in these studies: lest they shou'd be reckon'd among the Clients rather than among the Patrons; lest the numerous Dependances transmitted to them from their Ancestors, shou'd now at last pass into other Families, for want of an able Supporter; lest, like a sort of useless and unprofitable Creatures, they shou'd either be frustrated in their pretensions to Honour and Preferments, or else disgrace themselves and their office by the miscarriages of their Administration.

Cicero and *Antonius*, the Two chief Managers of the Discourse, in *Tully's* first Book *de Oratore*, are represented as very opposite in their Judgments, concerning the necessary Improvements

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ments of an accomplish'd Orator, The former denies any Person the Honour of this Name, who does not possess in some Degree all the Qualities both native and acquir'd, that enter into the Composition of a general Scholar. The Force of his Argument lies in this, that an Orator ought to be able to deliver himself copiously on all manner of Subjects: And he does not see how any one can answer this Character, without some Excellency in all the Mysteries of Arts and Learning, as well as in the happy Endowments of Nature. Yet he wou'd not have these Acquisitions set so loose about him, as to be laid open to the Bottom on every Occasion; but that (as a great Man expresseth it) they shou'd rather be ennamel'd in his Mind, than emboss'd upon it. That as the Criticks in Gates and Gestures will easily discover by the Comportment of a Man's Body whether he has learnt to Dance, tho' he does not practise his Art in his ordinary Motion: So an Orator when he delivers himself on any Subject, will easily make it appear whether he has a full Understanding of the particular Art or Faculty on which the Cause depends, tho' he does not discover of it in the Manner of a Philosopher or a Mechanick. *Antonius* on the other Hand, reflecting on the shortness of Humane Life, and how great a part of it is commonly taken up in the attainment of but a few Parts of Knowledge, is inclin'd to believe that Oratory does not require the necessary Attendance of its Sister Arts. But that a Man may be able to prosecute a Theme of any Kind, without a Train of Sciences, and the Advantages of a learned Institution, That, as few Persons are to seek in the cultivating of their Land, or the contrivance and elegance of their Gardens, tho' they never read *Cato de Re Rusticâ* or *Mago the Carthaginian*: So an Orator may harangue with a great deal of Reason and Truth on a Subject taken from any part of Knowledge, without any farther Acquaintance with the nicer Speculations, than his common Sense and Understanding improv'd by Experience and Conversation shall lead him. For who ever (says he) when he comes to move the Affections of the Judges or People, stops at this, that he hath not Philosophy enough to dive into the First Springs of the Passions, and to discover their various Natures and Operations? Besides, at this Rate we must quite lay aside the Way of raising Pity in the Audience, by representing the misery of a distress'd Party, or describing (perhaps) the Slavery which he endures: when Philosophy tells us

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that a good Man can never be miserable, and that Virtue is always absolutely free.

Now as *Cato* without doubt sat himself for the Picture which in *Crassus* his Name he there draws of an Orator, and therefore strengthens his Argument by his own Example as well as his Judgment; so *Antonius* in the next Dialogue does not stick to own, that his former Assertion was rather taken up for the Sake of disputing and encountering his Rival, than to deliver the just Sentiments of his Mind. And therefore the gentile Education in the Politic Ages of *Rome* being wholly directed to the Bar, it seems probable that no part of useful Knowledge was omitted, for the improving and adorning of the main Study; and that all the other Arts were courted, tho' not with an equal Passion. And upon the whole it appears, that a strange Assiduity and unwearied Application, were the very Life and Soul of their Designs. When their Historians describe an extraordinary Man, this always enters into his Character as an essential Part of it, that he was *incredibili industria, diligentia singulari*; of incredible Industry, of singular Diligence (b). And *Cato* in *Saint* tells the Senate, that 'twas not the Arms so much as the Industry of their Ancestors, which Advanc'd the Grandeur of *Rome*. So that the Founders and Regulators of this State, in making Diligence and Labour necessary Qualifications of a Citizen, took the same Course as the Poets will have *Jupiter* to have thought on, when he succeeded to the Government over the Primitive Mortals,

— *Pater ipse colendi*

*Haud facilem esse viam voluit; primusq; per artem
Movit agros, curis acuens mortalia corda,
Nec torpere gravi passus sua regna vaserna (i).*

To confirm the Opinion of their extream Industry and perpetual Study and Labour, it may not seem impertinent to instance in the Three common Exercises of Translating, Declaiming and Reciting.

(b) Arch-Bishop Tillot, Sermon of Education. (i) Virg. Georg. 1.

Transla-

Of the Roman Education.

Translation the ancient Orders of *Rome* look'd on as a most useful, tho' a most laborious Employment, All Persons that apply'd themselves to the Bar, propos'd commonly some one Orator of *Greece* for their constant Pattern; either *Lisias*, *Hyperides*, *Demosthenes* or *Aeschines*, as their Genius was inclin'd. Him they continually studied, and to render themselves absolutely Masters of his Excellencies, were always making him speak their own Tongue. This *Cicero*, *Quintilian*, and *Pliny Junior* injoin as an indispensable Duty in order to the acquiring any Talent in Eloquence. And the first of these great Men, besides his many Versions of the Orators for his private use; oblig'd the Publick with the Translation of several Parts of *Plato* and *Xenophon* in Prose, and *Homer* and *Aratus* in Verse.

As to Declaiming, this was not only the main Thing, at which they labour'd under the Masters of Rhetorick, but what they practis'd long after they undertook real Causes, and had gain'd a considerable Name in the *Forum*. *Suetonius* in his Book of famous Rhetoricians, tells us that *Cicero* declaim'd in *Greek* till he was elected *Prator*, and in *Latin* till near his Death. That *Pompey* the Great, just at the breaking out of the Civil War, resum'd his old Exercise of declaiming, that he might the more easily be able to deal with *Curio*, who undertook the Defence of *Cesar's* Cause in his Publick Harangues. That *Marc Antony* and *Augustus* did not lay aside this Custom, even when they were engag'd in the Siege of *Mutina*: And that *Nero* was not only constant at his Declamations, while in a private Station, but for the first Year after his Advancement to the Empire.

It is worth remarking, that the Subject of these old Declamations was not a meer fanciful Thesis, but a Case which might probably be brought into the Courts of Judicature. The contrary Practice, which crept into some Schools after the *Augustan* Age, to the great debasing of Eloquence, is what *Petronius* inveighs so severely against in the beginning of his *Satyricon*, in a Strain so Elegant that it would lose a great Part of the Grace and Spirit in any Translation.

When I speak of Recitation, I intend not to insist on the Publick Performances of the Poets in that kind, for which purpose they commonly borrow'd the House of some of their Noblest Patrons, and carried on the whole Matter before a vast concourse of People, and with abundance of Ceremony. For con-

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considering the ordinary Circumstances of Men of that Profession, this may be thought not so much the Effect of an industrious Temper, as the necessary way of raising a Name among the Wits, and getting a tolerable Livelihood. And 'tis evident that under some Princes the most celebrated of this Tribe, for all their Trouble and Pains in proclaiming their Parts to the Multitude, cou'd hardly keep themselves from starving : as *Juvenal* observes of *Statius*,

——— *Sed cum fregit subsellia versu,
Esurit, intactam Paridi nisi vendit Agaven.*

I would mean therefore the Rehearsal of all manner of Compositions in Prose or Verse perform'd by Men of some Rank and Quality, before they oblig'd the World with their Publication. This was done ordinarily in a meeting of Friends and Acquaintance, and now and then with the admission of a more numerous audience. The Design they chiefly aim'd at, was the correction and improvement of the Poise. For the Author having a greater Awe and Concern upon him on these Occasions, than at other times, must needs take more Notice of every Word and Sentence, while he spoke them before the Company, than he did in the Composition, or in the common Supervisal. Besides, he had the advantage of all his Friends Judgments, whether intimated to him afterwards in Private Conference, or tacitely declar'd at the Recital by their Looks and Nods, with many other Tokens of Dislike or Approbation. In the fuller Auditories he had the Benefit of seeing what took, or what did not with People ; whose common Suffrage was of so great Authority, in this Case, that *Pomponius Secundus* a celebrated Author of *Fragides*, when he consulted with his Friend about the polishing any of his Writings, if they happen'd to differ in their Opinion about the Elegance, Justness, and Propriety of any Thought or Expression, us'd always to say, *AD POPULUM PROVOCO, I APPEAL TO THE PEOPLE* ; as the best deciders of the Controversy (k).

(k) *Plin. Lib. 7. Epist. 17.*

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The Example of younger *Pliny* in this Practice is very observable, and the account which we have of it is given us by himself. I omit (says he) *no Way or Method that may seem Proper for correction : And first I take a strict View of what I have Written, and consider thoroughly of the whole Piece. In the next place I read it over to Two or Three Friends : and soon after send it to others for the Benefit of their Observations. If I am in any doubt concerning their Criticisms, I take in the assistance of one or two besides my self to judge and debate the Matter. Last of all, I recite before a greater Number ; And this is the Time that I furnish my self with the Several Emendations (l).*

It might be a farther Pleasure on this Subject to describe the whole Institution and Course of Study of the most famous *Romans*, with their gradual advances to those Vertues and attainments, which we still admire in their Story. But the account which *Cicero* gives of himself in his *Brutus*, and some hints from other Parts of his Works, will excuse, if not command, the omission of all the rest. And it is no ordinary Happiness that we are oblig'd with the History of that excellent Person from his own Hand, whom we must certainly pitch upon for the first and greatest Example, if we were beholden only to the Relations of other Men.

For some while after his Admission to the *Forum* he was a constant Auditor of the best Pleaders when ever they spoke in Publick : every Day he spent some time in writing, reading and improving his Invention ; besides the Exercises he perform'd in the Art of Oratory. For the Knowledge of the Civil Law he applied himself with all imaginable Diligence to *Q. Scævola*, the most celebrated Professor of that Science ; who tho' he did not make it his Business to procure Scholars, yet was very ready and willing to assist such Persons in this Study as desir'd his Advice and Directions. 'Twas to this *Scævola* that *Cicero's* Father when he put him on his *Manly Gown*, committed his Son, with a strict Charge never to stir from him, but upon extraordinary Accounts.

About the 19th Year of his Age, in the Heat of his Contention, between *Marinus* and *Sylla*, when the Courts of Judicature were shut up, and all things in Confusion ; *Philo* the Prince

(l) *Ibid.*

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of the *Academy*, leaving *Athens* on occasion of the *Mithridatick* War, took up his Residence in *Rome*. *Cicero* wholly resign'd himself to his Institution, having now fix'd the bent of his Thoughts and Inclinations to Philosophy, to which he gave the more diligent Attendance, because the distraction of the Times gave him little Reason to hope that the judicial Process, and the regular Course of the Laws, wou'd ever be restor'd to their former Vigour. Yet not entirely to forsake his Oratory, at the same time he made his Applications to *Molo* the *Rhodian*, a famous Pleader and Master of Rhetorick.

Sylla being now the second time advanc'd against *Mithridates*, the City was not much disturb'd with Arms for Three Years together. During this Interval, *Cicero*, with unwearied Diligence, made his Advances Day and Night in all manner of Learning; having now the Benefit of a New Instructor *Diodotus* the *Scotic*, who liv'd and died in his House. To this Master besides his improvement in other useful Parts of Knowledge, he was particularly oblig'd for keeping him continually exercis'd in Logic, which he calls a concise and compact kind of Eloquence.

But tho' engag'd at the same time in so many and such different Faculties, he let no Day slip without some performance in Oratory: Declaming constantly with the best Antagonists he cou'd light on among the Students. In this Exercise he did not stick to any one Language, but sometimes made use of *Latin*, sometimes of *Greek*; and indeed more frequently of the latter; either because the Beauties and Ornaments of the *Greek* Style, wou'd by this means grow so Natural as easily to be imitated in his own Tongue: or because his *Græcian* Masters wou'd not be such proper Judges of his Style and Method, nor so well able to correct his Failures, if he deliver'd himself in any other than their Native Language.

Upon *Sylla's* Victorious return and his Settlement of the Common-Wealth, the Lawyers recover'd their Practice, and the ordinary Course of judicial Matters was revived. And then it was that *Cicero* came to the Bar, and undertook the Patronage of Publick and Private Causes. His first Oration in a Publick Judgment, was the Defence of *Sextus Roscius*, prosecuted by no less a Man than the Dictator himself, which was the Reason that none of the old stanch Advocates dar'd appear in his behalf. *Cicero* carried the Cause, to his great Honour, being now about Six or Seven and Twenty: And having

behav'd

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behav'd himself so remarkable well in his first Enterprize, there was no Business thought too weighty or difficult for his management.

He found himself at this time to labour under a very weak Constitution, to which was added the Natural Default in his make of a long and thin Neck: so that in Probability the labour and straining of the Body requir'd in an Orator cou'd not consist but with manifest Danger of his Life. This was especially to be fear'd in him, because he was observ'd in his Pleadings to keep his Voice always at the highest Pitch in a most vehement and impetuous Tone, and at the same time to use an agreeable Violence in his Gesture and Action. Upon this Consideration the Physicians and his nearest Friends were continually urging him to lay aside all thoughts of a Profession which appear'd so extremely prejudicial to his Health. But *Cicero* shew'd himself equally inflexible to the Advice of the one, and to the Entreaties of other; and declar'd his Resolution rather to run the risque of any Danger that might happen, than deprive himself of the Glory which he might justly challenge from the Bar.

Confirming himself in this Determination he began to think, that upon altering his Mode of speaking and bringing his Voice down to a lower and more moderate Key, he might abate considerably of the Heat and Fury which now transported him, and by that Means avoid the Damage which seem'd now to threaten his Design.

For the effecting of the Cure, he concluded on a Journey into *Greece*: And so, after he had made his Name very considerable in the *Forum*, by Two Years pleading, he left the City. Being arriv'd at *Athens*, he took up his Residence for Six Months with the Philosopher *Anticus*, the wisest and most noble Asstessor of the old *Academy*: And here under the direction of the greatest Master, he renew'd his Acquaintance with that Part of Learning which had been the constant Entertainment of his Youth, at the same time performing his Exercises in Oratory under the Care of *Demetrius* the *Syrian*, an eminent Professor of the Art of Speaking. After this he made a Circuit round all *Asia*, with several of the most celebrated Orators and Rhetoricians, who voluntarily offer'd him their Company.

But not satisfied with all these Advantages, he sail'd to *Rhodes*, and there entred himself once more among the Scholars of the famous *Molo*, whom he had formerly heard at *Rome*: One that

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that besides his admirable Talent at pleading and penning, had a peculiar Happiness in marking and correcting the Defaults in any Performance. 'Twas to his institution that *Cicero* gratefully acknowledges he ow'd the retrenching of his Juvenile Heat and unbounded Freedom of thought, which did not consist with the Just Rules of an exact and severe Method.

Returning to *Rome*, after Two Years Absence, he appear'd quite another Man : for his Body strengthen'd by Exercise, was come to a tolerable Habit : His way of speaking seem'd to have grown cool ; and his Voice was rendred much easier to himself, and much sweeter to the Audience, Thus about the One and Thirtieth Year of his Age, he arriv'd at that full Perfection, which had so long taken up his whole Wishes and Endeavours.

PART I.

The Original, Growth, and Decay of the Roman Common-wealth.

CHAP. I.

Of the Building of the CITY.

WHILE we view the Original of States and Kingdoms (the most delightful and surprizing Part of History,) we easily discern, as the first and fairest Prospect, the Rise of the *Jewish* and *Roman* Common-wealths : Of which, as the former had the Honour always to be esteem'd the Favourite of Heaven, and the peculiar Care of Divine Providence ; so the other had very good Pretensions to style Herself the Darling of Fortune ; who seem'd to express a more than ordinary Fondness for this her youngest Daughter, as if she had design'd the Three former Monarchies purely for a Foil to set off this latter. Their own Historians rarely begin without a Fit of Wonder ; and, before they proceed to delineate the glorious Scene, give themselves the liberty of standing still some time, to admire at a distance.

For the Founder of the City and Republick, Authors have long since agreed on *Romulus*, Son of *Rhea Sylvia*, and Descendant of *Aeneas* ; from whom his Pedigree may be thus in short deriv'd :

B

Upon

Upon the final Ruin and Destruction of *Troy* by the *Grecians*, *Aeneas*, with a small number of Followers, had the good fortune to secure himself by flight. His escape was very much countenanced by the Enemy, inasmuch as upon all occasions he had express'd his Inclinations to a Peace, and to the restoring of *Helen*, the unhappy cause of all the Mischief. Sailing thus from *Troy*, after a tedious Voyage, and great variety of Adventures, he arriv'd at last at *Latium*, a part of *Italy* so call'd, *à latendo*, or from *lying hid*; being the Place that *Saturn* had chose for his Retirement, when expell'd the Kingdom of *Crete* by his rebellious Son *Jupiter*: Here applying himself to the King of the Country, at that time *Latinus*, he obtain'd his only Daughter, *Lavinia*, in Marriage; and upon the Death of his Father-in-Law, was left in possession of the Crown. He remov'd the Imperial Seat from *Lawentum* to *Lavinium*, a City which he had built himself in Honour of his Wife; and deceasing soon after, the Right of Succession rested in *Ascanius*; whether his Son by a former Wife, and the same he brought with him from *Troy*, or another of that Name, which he had by *Lavinia*, *Livy* leaves undetermin'd. *Ascanius* being under Age, the Government was entrusted in the hands of *Lavinia*: But, as soon as he was grown up, he left his Mother in possession of *Lavinium*; and removing with part of the Men, laid the Foundation of a New City, along the side of the Mountain *Ribanus*, call'd from thence *Longa Alba*. After him, by a Succession of Eleven Princes, the Kingdom devolv'd at last to *Procas*. *Procas* at his Death left two Sons, *Numitor* and *Amulius*; of whom *Amulius* over-reaching his elder Brother, oblig'd him to quit his Claim to the Crown, which he thereupon secur'd to himself; and to prevent all disturbance that might probably arise to him or his Posterity, from the elder Family, making away with all the Males, he constrain'd *Numitor's* only Daughter, *Rhea Sylvia*, to take on her the Habit of a Vestal, and consequently a Vow of perpetual Virginity. However, the Princess was soon after found with Child, and deliver'd of two Boys, *Romulus* and *Remus*. The Tyrant being acquainted with the truth, immediately condemn'd his Niece to strait Imprisonment, and the Infants to be expos'd, or carry'd and left in a strange Place, where 'twas very improbable they should meet with any relief. The Servant, who had the Care of this inhumane Office, left the Children at the bottom of a Tree, by the Bank of the River *Tiber*. In this sad Condition, they were casually discover'd by *Faustulus* the King's Shepherd; who being wholly ignorant of the Plot, took the Infants up, and carri'd them home to his Wife *Laurentia*,

to be Nurs'd with his own Children (a). This Wife of his, had formerly been a common Prostitute, call'd in Latin *Lupa*; which Word signifying likewise a She-Wolf, gave occasion to the Story of their being nurs'd by such a Beast; though some take the Word always in a literal Sense, and maintain that they really subsisted some time, by sucking such a Creature, before they had the good Fortune to be reliev'd by *Faustulus* (b). The Boys, as they grew up, discovering the natural Greariness of their Minds and Thoughts, addicted themselves to the generous Exercises of Hunting, Racing, Taking of Robbers, and such-like; and always express'd a great Desire of undertaking any Enterprize that appear'd hazardous and Noble (c). Now there happening a Quarrel betwixt the Herdsmen of *Numitor* and *Amulius*, the former lighting casually on *Remus*, brought him before their Master to be examin'd. *Numitor*, learning from his own Mouth the strange Circumstances of his Education and Fortune, easily guess'd him to be one of his Grand-Sons, who had been expos'd. He was soon confirm'd in this Conjecture, upon the arrival of *Faustulus* and *Romulus*; when the whole Business being laid open, upon Consultation had, gaining over to their Pray a sufficient number of the disaffected Citizens, they contriv'd to surprize *Amulius*, and re-establish *Numitor*. This Design was soon after very happily put in execution, the Tyrant Slain, and the old King restor'd to a full Enjoyment of the Crown (d). The young Princes had no sooner re-seated their Grand-Father in his Throne, but they began to think of procuring one for themselves. They had higher Thoughts than to take up with the Reversion of a Kingdom; and were unwilling to live in *Alba*, because they could not Govern there: So taking with them their Foster-Father, and what others they could get together, they began the Foundation of a New City, in the same place where, in their Infancy, they had been brought up (e). The first Walls were scarce finish'd, when, upon a slight Quarrel, the occasion of which is variously reported by Historians, the younger Brother had the misfortune to be Slain. Thus the whole Power came into *Romulus's* hands; who carrying on the remainder of the Work, gave the City a Name in allusion to his own, and hath been ever accounted the Founder and Patron of the *Roman* Common-wealth.

(a) *Livy*, lib. 1. (b) See *Dempster's* Notes to *Rosinus's* Antiquities, lib. 1 cap. 1. (c) *Plutarch* in the Life of *Romulus*. (d) *Ibid*, and *Livy*, lib. 1. (e) *Plutarch*, as before; and *Livy* lib. 1.

C H A P. II.

Of the Roman Affairs under the Kings.

THE witty Historian (a) had very good reason to entitle the Reign of the Kings, the Infancy of Rome; for 'tis certain, that under them she was hardly able to find her own Legs, and at the best had but a very feeble Motion. The greatest part of Romulus's time was taken up in making Laws and Regulations for the Common-wealth: Three of his State-Designs, I mean the *Asylum*, the Rape of the *Sabine* Virgins, and his way of treating those few whom he conquer'd, as they far exceeded the Politicks of those Times; so they contributed, in an extraordinary degree, to the advancement of the New Empire. But then Numa's long Reign serv'd only for the Establishment of Priests and Religious Orders; and in those Three and forty Years, (b) Rome gain'd not so much as one Foot of Ground. *Tullus Hostilius* was wholly employ'd to convert his Subjects from the pleasing Amusements of Superstition, to the rougher Institution of Martial Discipline: Yet we find nothing memorable related of his Conquests; only that after a long and dubious War, the Romans entirely ruin'd their Old Mother *Alba*. (c) After him, *Anacrus Marcius*, laying aside all Thoughts of extending the Bounds of the Empire, applied himself wholly to strengthen and beautify the City; (d) and esteem'd the Commodiousness and Magnificence of that, the noblest Design he could possibly be engag'd in. *Tarquinius Priscus*, tho' not altogether so quiet as his Predecessor, yet consulted very little else besides the Dignity of the Senate, and the Majesty of the Government; for the encrease of which, he appointed the Ornaments and Badges of the several Officers, to distinguish them from the common People. (e) A more peaceful Temper appear'd in *Servius Tullius*, whose principal study was to have an exact account of the Estates of the Romans; and according to those, to divide them into Tribes, (f) that so they might contribute with Justice and Proportion to the Publick Expences of the State. *Tarquin the Proud*, tho' perhaps more engag'd in Wars than any of his Predecessors, (g) yet had in his

(a) *Florus* in the Preface to his History. (b) *Plutarch* in the Life of *Numa*. (c) *Florus* lib. 1. cap. 3. (d) *Idem*, lib. 1. cap. 4. (e) *Idem*, lib. 1. cap. 5. (f) *Florus*, lib. 1. cap. 6. (g) See *Florus*, lib. 1. cap. 7.

Nature such a strange Composition of the most extravagant Vice, as must necessarily have prov'd fatal to the growing Tyranny: And had not the Death of the unfortunate *Lucretia*, administred to the People an Opportunity of Liberty; yet a far slighter matter would have serv'd them for a specious Reason, to endeavour the assertion of their Rights. However on this Accident, all were suddenly transported with such a mixture of Fury and Compassion, that under the Conduct of *Brutus* and *Collatinus*, to whom the dying Lady had recommended the Revenge of her injur'd Honour, (a) rushing immediately upon the Tyrant, they expell'd him and his whole Family. A new Form of Government was now resolv'd on; and because to live under a divided Power, carry'd something of Complacency in the Prospect, (b) they unanimously conferr'd the Supreme Command on the Two generous Asserters of their Liberties. (c) Thus ended the Royal Administration, after it had continu'd about Two hundred and fifty Years.

Florus, in his Reflections on this First Age of Rome, can't forbear applauding the happy Fate of his Country, that it should be blest'd, in that weak Age, with a Succession of Princes so fortunately different in their Aims and Designs; as if Heaven had purposely adapted them to the several Exigencies of the State. (d) And the famous *Machiavel* is of the same Opinion. (e) But a judicious Author (f) hath lately observ'd, that this difference of Genius in the Kings, was so far from procuring any Advantage to the Roman People, that their small encrease, under that Government, is referrible to no other cause. However, thus far we are assur'd, that those seven Princes left behind a Dominion of no larger extent than that of *Parma*, or *Mantua*, at present.

(a) *Idem*, lib. 1. cap. 9. (b) *Plutarch*, in the Life of *Poplicola*. (c) *Ibid* & *Florus*, lib. 1. cap. 9. (d) *Idem*, cap. 8. (e) *Machiavel's* Discourses on Liberty, lib. 2. cap. 19. (f) *Montieur St. Euremont's* Reflections on the Genius of the Roman People. cap. 1.

C H A P. III.

Of the Roman Affairs, from the beginning of the Consular Government, to the first Punic War.

THE Tyrant was no sooner expell'd, but, as it usually happens, there was great plotting and designing for his Restoration. Among several other young Noble-men, *Brutus's* his two Sons had engag'd themselves in the Association: But the Conspiracy being happily discover'd, and the Traytors brought before the Consuls, in order to their Punishment, *Brutus* only addressing himself to his two Sons, and demanding whether they had any Defence to make against the Indictment; upon their silence, order'd them immediately to be Beheaded: And staying himself to see the Execution, committed the rest to the Judgment of his Colleague. (a) No Action among the Old *Romans* has made a greater noise than this: 'Twould be exceeding difficult to determine, whether it proceeded from a Motion of Heroick Virtue; or the Hardness of a cruel and unnatural Humour; or whether Ambition had not as great a share in it as either. But tho' the Flame was so happily stifled within the City, it soon brook out with greater fury abroad: For *Tarquin* was not only receiv'd with all imaginable Kindness and Respect by the neighbouring States, but supplied too with all Necessaries, in order to the recovery of his Dominions. The most powerful Prince in *Italy* was at that time *Porfenna*, King of *Hetruria*, or *Tuscany*; who not content to furnish him with the same Supplies as the rest, approach'd with a numerous Army, in his behalf, to the very Walls of *Rome*. (b) The City was in great hazard of being taken, when an Admiration of the Virtue and gallant Disposition of the *Romans*, induc'd the Besieger to a Peace. (c) The most remarkable Instances of this extraordinary Courage, were *Cocles*, *Mucius*, and *Clatlia*. *Cocles*, when the *Romans* were beaten back in an unfortunate Sally, and the Enemy made good their Pursuit to the very Bridge, only with the assistance of two Persons, defended it against their whole Power, till his own Party broke it down behind; and then cast himself in his Armour into the Ri-

(a) *Plutarch. in vita Poplicola.* (b) *Idem, & Florus, lib. 1.* (c) *Plut. in Poplicol. ver.*

ver, and swam over to the other side. (a) *Mucius*, having fail'd in an Attempt upon *Porfenna's* Person, and being brought before the King to be examin'd, thrust his Right-hand, which had committed the Mistake, into a Pan of Coals that stood ready for the Sacrifice. Upon which generous Action, he was dismiss'd without farther injury. As for *Clatlia*, she with other Noble Virgins, had been deliver'd to the Enemy for Hostages, on account of a Truce; when obtaining the liberty to bathe themselves in *Tiber*, she getting on Horse-back before the rest, encourag'd them to follow her thro' the Water to the *Romans*; tho' the Consul generously sent them back to the Enemy's Camp. *Porfenna* had no sooner drawn off his Army, but the *Sabines* and *Latines* join'd in a Confederacy against *Rome*: And tho' they were extremely weaken'd by the desertion of *Appius Claudius*, who went over with Five thousand Families to the *Romans*; yet they could not be entirely subdu'd, till they receiv'd a total Overthrow from *Valerius Poplicola*. (b) But the *Equi* and the *Volscei*, the most obstinate of the *Latines*, and the continual Enemies of *Rome*, carry'd on the remainder of the War for several Years, till it was happily concluded by *Lucius Quintus*, the famous Dictator, taken from the Plough, in less than fifteen Days time: Upon which, *Florus* has this witty Remark, That he made more than ordinary haste to this unfinish'd Work. (c) But they that made the greatest opposition, were the Inhabitants of *Vei*, the Head of *Tuscany*, a City not inferiour to *Rome*, either in store of Arms, or multitude of Soldiers: They had contended with the *Romans*, in a long series of Battels, for Glory and Empire; but having been weaken'd and brought down in several Encounters, they were oblig'd to secure themselves within their Walls: And after a ten Years Siege, the Town was forc'd and sack'd by *Camillus*. (d) In this manner were the *Romans* extending their Conquest, when the Irruption of the *Gauls* made a strange alteration in the Affairs of *Italy*. They were at this time besieging *Clusium*, a *Tuscan* City. The *Clusians* sent to the *Romans*, desiring them to interpose by Ambassadors on their behalf. Their Request was easily granted; and Three of the *Fabii*, Persons of the highest Rank in the City, dispatch'd for this purpose to the *Gallick* Camp. The *Gauls*, in respect to the Name of *Rome*, receiv'd them with all imaginable Civility; but could by no means be prevail'd on to quit the Siege. Whereupon the Ambassadors going into the Town, and encouraging the *Clusians* to a Sally, one of them was seen per-

(a) *Plut. Ibid.* (b) *Ibid* (c) *Florus, lib. 1. cap. 11.* (d) *Plutarch, in his Life*

sonally engaging in the Action. This being contrary to the receiv'd Law of Nations, was resent'd in so high a manner by the Enemy, that breaking up from before *Clusium*, the whole Army march'd directly toward *Rome*. About eleven Miles from the City, they met with the *Roman* Army, Commanded by the Military Tribunes, who Engaging without any Order or Discipline, receiv'd an entire Defeat. Upon the arrival of this ill News, the greatest part of the Inhabitants immediately fled: Those that resolv'd to stay, Fortified themselves in the Capitol. The *Gauls* soon appear'd at the City-Gates; and destroying all with Fire and Sword, carry'd on the Siege of the Capitol with all imaginable Fury: At last, resolving on a general Assault, they were discover'd by the Cackling of the Geese that were kept for that purpose; and as many as had climb'd the Rampart, were drove down by the valiant *Manlius*, when *Camillus*, setting upon them in the Rear with Twenty thousand Men that he got together about the Country, gave them a total Overthrow. The greatest part of those that escap'd out of the Field, were cut off in straggling Parties, by the Inhabitants of the Neighbouring Towns and Villages. The City had been so entirely demolish'd, that upon the return of the People, they thought of removing to *Veii*, a City ready Built, and excellently provided of all Things. But being diverted from this Design, by an Omen, (as they thought) they set to the Work, with such extraordinary Diligence and Application, that within the compass of a Year, the whole City was re-built. They had scarce gain'd a breathing-time after their Troubles, when the united Powers of the *Æqui*, *Volsci*, and other Inhabitants of *Latium*, at once invaded their Territories. But they were soon over-reach'd by a Stratagem of *Camillus*, and totally routed. (a) Nor had the *Sammites* any better Fate, tho' a People very numerous, and of great Experience in War. The Contention with them lasted no less than Fifty Years, (b) when they were finally subdu'd by *Papirius Cursor*. (c) The *Tarentine* War that follow'd, put an end to the entire Conquest of *Italy*, *Tarentum*, a City of great Strength and Beauty, seated on the *Adriatick* Sea, was especially remarkable for the Commerce it maintain'd with most of the Neighbouring Countries, as *Epirus*, *Illyricum*, *Sicily*, &c. (d) Among other Ornaments of their City, they had a spacious Theatre for Publick Sports, Built hard by the Sea-shoar. They happen'd to be engag'd in the Celebration of some such So-

(a) *Plut. in vit. Camil.* (b) *Florus, lib. 1. cap. 16.* (c) *Liv. lib. 10.* (d) *Flor. lib. 1. cap. 18.*

lemnity, when, upon sight of the *Roman* Fleet, that casually sail'd by their Coasts, imagining them to be Enemies, they immediately set upon them, and killing the Commander, rifled the greatest part of the Vessels. Ambassadors were soon dispatch'd from *Rome* to demand Satisfaction: But they met with as ill Reception as the Fleet, being disgracefully sent away without so much as a Hearing. Upon this, a War was soon commenc'd between the States. The *Tarentines* were increas'd by an incredible number of Allies from all Parts: But he that made the greatest appearance in their behalf, was *Pyrrhus* King of *Epirus*, the most experienc'd General of his Time. Besides the choicest of his Troops that accompany'd him in the Expedition, he brought into the Field a considerable number of Elephants, a sort of Beasts scarce heard of 'till that time in *Italy*. In the first Engagement, the *Romans* were in fair hopes of a Victory, when the Fortune of the Day was entirely chang'd, upon the coming up of the Elephants; who made such a prodigious Destruction in the *Roman* Cavalry, that the whole Army was oblig'd to retire. But the politick General, having experienc'd so well the *Roman* Courage, immediately after the Victory, sent to offer Conditions for a Peace; but was absolutely refus'd. In the next Battel, the Advantage was on the *Roman* side, who had not now such dismal Apprehensions of the Elephants, as before. However, the Business came to another Engagement, when the Elephants, over-running whole Ranks of their own Men, occasion'd by the Cry of a young one that had been wounded, gave the *Romans* an absolute Victory. (a) Twenty three thousand of the Enemy were kill'd, (b) and *Pyrrhus* finally expell'd *Italy*. In this War the *Romans* had a fair Opportunity to subdue the other Parts that remain'd unconquer'd, under the pretext of Allies to the *Tarentines*. So that at this time, about the 477th. Year of the Building of the City, (c) they had made themselves the entire Masters of *Italy*.

(a) *Florus, Ibid.* (b) *Eutropius, lib. 2.* (c) *Ibid.*

CHAP. IV.

Of the Roman Affairs, from the beginning of the first Punic War, to the first Triumvirate.

BUT the Command of the Continent could not satisfy the Roman Courage; especially while they saw so delicious an Isle as *Sicily* almost within their reach: They only waited an occasion to pass the Sea, when Fortune presented as fair an one as they could wish. The Inhabitants of *Messina*, a *Sicilian* City, made grievous Complaints to the Senate, of the daily Encroachments of the *Carthaginians*, a People of vast Wealth and Power, and that had the same Design on *Sicily* as the *Romans*. (a) A Fleet was soon Mann'd out for their Assistance; and in two Years time, no less than Fifty Cities were brought over. (b) The entire Conquest of the Island quickly follow'd; and *Sardinia* and *Corfica* were taken in about the same time by a separate Squadron. And now, under the Command of *Regulus* and *Manlius*, the Consuls, the War was translated into *Africa*. Three hundred Forts and Castles were destroy'd in their March, and the victorious Legions encamp'd under the very Walls of *Carthage*. The Enemy reduc'd to such straits, were oblig'd to apply themselves to *Xantippus*, King of the *Lacedemonians*, the greatest Captain of the Age; who immediately march'd to their Assistance with a numerous and well-disciplin'd Army. In the very first Engagement with the *Romans*, he entirely defeated their whole Power: Thirty thousand were kill'd on the spot, and Fifteen thousand with the Consul *Regulus*, taken Prisoners. But as good Success always encourag'd the *Romans* to greater Designs; so a contrary Event did but exasperate them the more. The new Consuls were immediately dispatch'd with a powerful Navy, and a sufficient number of Land-Forces. Several Campaigns were now wasted, without any considerable Advantage on either side: Or, if the *Romans* gain'd any thing by their Victories, they generally lost as much by Shipwracks; when at last the whole Power of both States being drawn together on the Sea, the *Carthaginians* were finally defeated, with the loss of 125 Ships sunk in the En-

(a) *Florus*, lib. 2. cap. 2. (b) *Entrop.* lib. 2.

gagement, 73 taken; 32000 Men kill'd, and 13000 Prisoners. Upon this, they were compell'd to sue for a Peace; which, after much entreaty, and upon very hard Conditions, was at last obtain'd. (a)

But the *Carthaginians* had too great Spirits to submit to such unreasonable Terms any longer than their Necessities oblig'd them. In four Years time (b) they had got together an Army of 150000 Foot, and 20000 Horse, (c) under the Command of the famous *Hannibal*; who forcing a Way through the *Pyrenean* Mountains and the *Alpes*, reputed till that time impassable, descended with his vast Army into *Italy*. In Four successive Battels, he defeated the *Roman* Forces; in the last of which, at *Cannæ*, 40000 of the latter were kill'd: (d) And had he not been merely cast away by the Envy and Ill-will of his own Country-men, 'tis more than probable that he must have entirely ruin'd the *Roman* State. (e) But Supplies of Men and Money being sometimes absolutely deny'd him, and never coming but very slowly, the *Romans* had such Opportunities to recruit, as they little expected from so experienced an Adversary. The wise Management of *Fabius Maximus* was the first Revival of the *Roman* Cause: He knew very well the Strength of the Enemy; and therefore march'd against him, without intending to hazard a Battel; but to wait constantly upon him, to straiten his Quarters, intercept his Provisions, and so make the victorious Army pine away with Penury and Want. With this Design, he always Encamp'd upon the high Hills, where the Horse could have no access to him. When they march'd, he did the same; but at such a distance, as not to be compell'd to an Engagement. By this Policy he so broke *Hannibal's* Army, as to make him absolutely despair of getting any thing in *Italy*. (f) But the conclusion of the War was owing to the Conduct of *Scipio*: He had before reduc'd all *Spain* into Subjection; and now taking the same course as *Hannibal* at first had done, he march'd with the greatest part of the *Roman* Forces into *Africa*; and carrying all before him to the very Walls of *Carthage*, oblig'd the Enemy to call home their General out of *Italy*, for the Defence of the City. *Hannibal* obey'd; and both Armies coming to an Engagement, after a long Dispute, wherein the Commanders and Soldiers of both Sides are reported to have out-done Themselves, the Victory fell to the *Romans*. Whereupon the Enemy were oblig'd once more to sue

(a) *Entrop.* lib. 2. (b) *Florus*, lib. 2. cap. 6. (c) *Entrop.* lib. 3. (d) *Ibid.*
(e) *Cornelius Nepos*, in vit. *Hannib.* (f) *Plutarch.* in vit. *Fab. Max.*

for a Peace; which was again granted them, tho' upon much harder Conditions than before.

The Romans, by the happy conclusion of this War, had so highly advanc'd themselves in the Opinion of the Neighbouring States, that the Athenians, with the greatest part of Greece, being at this time miserably enslav'd by King Philip of Macedon, unanimously petition'd the Senate for Assistance. A Fleet with a sufficient number of Land-Forces, was presently dispatch'd to their Relief; by whose Valour, the Tyrant, after several Defeats, was compell'd to restore all Greece to their ancient Liberties, obliging himself to pay an annual Tribute to the Conquerours. (a)

Hannibal, after his late Defeat, had apply'd himself to Antiochus King of Syria, who at this time was making great Preparations against the Romans. Acilius Glabrio was first sent to oppose him, and had the Fortune to give him several Defeats; when Cornelius Scipio, the Roman Admiral, Engaging with the King's Forces at Sea, under the Command of Hannibal, entirely ruin'd the whole Fleet. Which Victory being immediately follow'd by another as signal at Land, the effeminate Prince was contented to purchase a Peace at the price of almost half his Kingdom. (b)

The victorious Romans had scarce concluded the Publick Rejoicings on account of the late Success, when the death of King Philip of Macedon presented them with an occasion of a more glorious Triumph. His Son Perseus, that succeeded, resolving to break with the Senate, apply'd himself wholly to raising Forces, and procuring other Necessaries for a War. Never were greater Appearances in the Field than on both sides, most of the considerable Princes in the World being engag'd in the Quarrel. But Fortune still declar'd for the Romans, and the greatest part of Perseus's prodigious Army was cut off by the Consul Amylius, and the King oblig'd to surrender himself into the hands of the Conquerour. (c) Authors that write of the Four Monarchies, here fix the end of the Macedonian Empire.

But Rome could not think her self secure amongst all these Conquests, while her old Rival Carthage was yet standing: So that upon a slight Provocation, the City, after Three Years Siege, was taken, and utterly rased, by the Valour of Publius Scipio, Grand-son, by Adoption, to him that conquer'd Hannibal. (d)

(a) Eutrop. lib. 4. (b) Florus, lib. 2. cap. 8. (c) Vell. Patere. lib. 1. (d) Ibid.

Nor long after, Attalus, King of Pergamus, dying without Issue, left his vast Territories, containing near all Asia, to the Romans. (a) And what of Africa remain'd unconquer'd, was for the most part reduc'd in the Jugurthian War that immediately follow'd; Jugurtha himself, after several Defeats, being taken Prisoner by Marius, and brought in Triumph to Rome. (b)

And now after the Defeat of the Teutones and Cimbri, that had made an Inroad into Italy, with several lesser Conquests in Asia and other Parts, the Mithridatick War, and the Civil War between Marius and Sylla, broke out both in the same Year. (c) Sylla had been sent General against Mithridates King of Pontus, who had seiz'd on the greatest part of Asia and Aethia in an hostile manner; when before he was got out of Italy, Sulpicius, the Tribune of the People, and one of Marius's Faction, prefer'd a Law to re-call him, and to depute Marius in his room. Upon this, Sylla, leading back his Army, and overthrowing Marius and Sulpicius in his way, having settled Affairs at Rome, and banish'd the Authors of the late Sedition, return'd to meet the foreign Enemy. (d) His first Exploit was the taking of Athens, and ruining the famous Mole in the Haven Piræus. (e) Afterwards, in two Engagements, he kill'd and took near 130000 of the Enemy, and compell'd Mithridates to sue for a Truce. (f) In the mean time, Marius, being call'd home by the new Consuls, had exercis'd all manner of Cruelty at Rome; whereupon, taking the opportunity of the Truce, Sylla once more march'd back toward Italy. Marius was dead before his return; (g) but his two Sons, with the Consuls, rais'd several Armies to oppose him. But some of the Troops being drawn over to his Party, and the others routed, he enter'd the City, and dispos'd all things at his Pleasure, assuming the Title and Authority of a perpetual Dictator. But having regulated the State, he laid down that Office, and died in retirement. (h)

Mithridates had soon broke the late Truce, and invaded Bithynia and Asia, with as great fury as ever; when the Roman General Lucullus, routing his vast Armies by Land and Sea, chas'd him quite out of Asia; and had infallibly put an happy conclusion to the War, had not Fortune reserv'd that Glory for Pompey. (i) He being deputed in the room of Lucullus, after the defeat of the new Forces of Mithridates, compell'd him to fly to his Father-in-Law Tigranes King of Armenia. Pompey fol-

(a) Eutrop. lib. 4. (b) Ibid. (c) Eutrop. lib. 5. (d) Ibid. (e) Vell. Patere. lib. 2. (f) Eutrop. lib. 5. (g) Vell. Patere. lib. 2. (h) Aurelius Victor, in vit. Sylla. (i) Vell. Patere. lib. 2.

low'd with his Army; and struck such a Terror into the whole Kingdom, that *Tigranes* was constrain'd in an humble manner to present himself to the General, and offer his Realm and Fortune to his disposal. At this time the *Catilinarian* Conspiracy broke out, more famous for the obstinacy than the number of the Rebels; but this was immediately extinguish'd by the timely care of *Cicero*, and the happy valour of *Anthony*. The Senate, upon the News of the extraordinary Success of *Pompey*, were under some apprehension of his affecting the Supreme Command at his return, and altering the Constitution of the Government. But when they saw him dismiss his vast Army at *Brundisium*, and proceed in the rest of his Journey to the City, with no other Company than his ordinary Attendants, they receiv'd him with all the Expressions of Complacency and Satisfaction, and honour'd him with a splendid Triumph. (k)

(k) *Vall. Paterc. ib id.*

CHAP. V.

Of the Roman Affairs, from the beginning of the first Triumvirate to the end of the Twelve Cæsars.

THE Three Persons that at this time bore the greatest Sway in the State, were, *Crassus*, *Pompey*, and *Cæsar*. The first, by reason of his prodigious Wealth; *Pompey*, for his Power with the Soldiers and Senate, and *Cæsar*, for his admirable Eloquence, and a peculiar Nobleness of Spirit. When now taking advantage of the Consulship of *Cæsar*, they entred into a solemn agreement to let nothing pass in the Common-wealth without their joint Approbation. (a) By virtue of this Alliance, they had in a little time procur'd themselves the Three best Provinces in the Empire, *Crassus* Asia, *Pompey* Spain, and *Cæsar* Gaul. *Pompey*, for the better retaining his Authority in the City, chose to manage his Province by Deputies: (b) The other Two entred on their Governments in Person. But *Crassus* soon after, in an Expedition he undertook against the *Parthians*, had the ill Fortune to lose the greatest part of his Army, and was himself treache-

(a) *Sueton. in Jul. Cæs. cap. 19.* (b) *Paterc. lib. 2. cap. 48.*

rously

rously murder'd. (a) In the mean time *Cæsar* was performing Miracles in *Gaul*. No less than 40000 of the Enemy he had kill'd, and taken more Prisoners: And Nine Years together (which was the whole time of his Government) deserv'd a Triumph for the Actions of every Campaigne. (b) The Senate, amaz'd at the strange Relation of his Victories, were easily inclin'd to suspect his Power: So that taking the opportunity when he petition'd for a second Consulship, they order'd him to disband his Army, and appear as a private Person at the Election. (c) *Cæsar* endeavour'd by all means to come to an accommodation: But finding the Senate violently averse to his Interest, and resolv'd to hear nothing but what they first propos'd, (d) he was constrain'd to march towards Italy with his Troops, to terrifie or force them into a compliance. Upon the News of his Approach, the Senate, with the greatest part of the Nobility, passing over into Greece, he entred the City without opposition; and creating himself Consul and Dictator, hastened with his Army into Spain; where the Troops under *Pompey's* Deputies were compell'd to submit themselves to his disposal. With this Reinforcement he advanc'd toward Macedonia, where the Senate had got together a prodigious Army under the command of *Pompey*. In the first Engagement, he receiv'd a considerable Defeat. But the whole Power on both sides being drawn up on the Plains of *Thessaly*, after a long Dispute the Victory fell to *Cæsar*, with the entire ruin of the adverse Party. *Pompey* fled directly towards Egypt, and *Cæsar* with his victorious Legions immediately follow'd. Hearing at his Arrival, that *Pompey* had been kill'd by order of King *Ptolemy*, he laid close Siege to *Alexandria*, the capital City; and having made himself absolute Master of the Kingdom, committed it to the care of *Cleopatra*, Sister to the late King. (e) *Scipio* and *Juba*, he soon after overcame in Africa, and *Pompey's* Two Sons in Spain. (f) And now being receiv'd at his return with the general Applause of the People and Senate, and honour'd with the glorious Titles of Father of his Country, and Perpetual Dictator, he was designing an Expedition into *Parthia*; when, after the Enjoyment of the Supreme Command no more than five Months, he was murder'd in the Senate-House. (g) *Brutus* and *Cassius*, with most of the other Conspirators, being his particular Friends, and such as he had oblig'd in the highest manner.

(a) *Plutarch. in Crasso.* (b) *Paterc. lib. 2.* (c) *Ibid. cap. 49.* (d) *Ibid. cap. eod.* (e) *Suet. in Jul. Cæs. cap. 35.* (f) *Ibid. cap. eod.* (g) *Paterc. lib. 2. cap. 56.*

A Civil War necessarily follow'd, in which the Senate, consisting for the most part of such as had embrac'd the Faction of *Pompey*, declar'd in favour of the Assassins, while *Mark Anthony* the Consul, undertook the Revenge of *Cæsar*. With this Pretence he exercis'd all manner of Tyranny in the City, and had no other design but to secure the chief Command to himself. At last the Senate were oblig'd to declare him an Enemy to the State; and in pursuance to their Edict, rais'd an Army to oppose him under the command of *Hirtius* and *Pansa* the new Consuls, and *Octavius*, Nephew and Heir to *Cæsar*. (a) In the first Engagement *Anthony* was defeated; but *Hirtius* being kill'd in the Fight, and *Pansa* dying immediately after, the sole command of the Army came into the Hands of *Octavius*. (b) The Senate, before the late Victory, had express'd an extraordinary kindness for him, and honour'd him with several marks of their particular Esteem: But now being freed from the danger they apprehended from *Anthony*, they soon alter'd their Measures; and taking little notice of him any longer, decreed the Two Heads of the late Conspiracy, *Brutus* and *Cassius*, the Two Provinces of *Syria* and *Macedonia*, whither they had retir'd upon commission of the Fact. (c) *Octavius* was very sensible of their designs, and thereupon was easily induced to conclude a Peace with *Anthony*: And soon after entering into an Association with him and *Lepidus*, as his Uncle had done with *Crassus* and *Pompey*, he return'd to *Rome*, and was elected Consul when under Twenty Years of Age. (d) And now, by the Power of him and his Two Associates, the old Senate was for the most part banish'd; and a Law perfer'd by his Colleague *Pedius*, That all who had been concern'd in the Death of *Cæsar* should be proclaim'd Enemies to the Common-wealth, and proceeded against with all Extremity. (e) To put this Order in Execution, *Octavius* and *Anthony* advanc'd with the Forces under their Command toward *Macedonia*, where *Brutus* and *Cassius* had got together a numerous Army to oppose them, both Parties meeting near the City *Philippi*, the Traytors were defeated, and the Two Commanders died soon after by their own Hands. (f) And now for Ten Years, all Affairs were manag'd by the *Triumviri*, when *Lepidus*, setting up for himself in *Sicily*, was contented, upon the arrival of *Octavius*, to compound for his Life, with the dishonourable Resignation of his Share in the Government. (g) The Friendship of *Octavius* and *Anthony*, was not of much longer

(a) *Paterc. lib. 2. cap. 61.* (b) *Suet. in August. cap. 11.* (c) *Florus, lib. 4. cap. 7.*
(d) *Paterc. lib. 2. cap. 65.* (e) *Ibid.* (f) *Florus, lib. 2. cap. 7.* (g) *Paterc. lib. 2. cap. 80.*
con-

continuance: For the latter, being for several Enormities declar'd an Enemy to the State, was finally routed in a Sea-Engagement at *Actium*; and flying thence with his Mistress *Cleopatra*, kill'd himself soon after, and left the sole command in the Hands of *Octavius*. He by his Prudence and Moderation, gain'd such an entire Interest in the Senate and People, that when he offer'd to lay down all the Authority he was invested with above the rest; and to restore the Common-wealth to the ancient Constitution, they unanimously agreed in this Opinion, That their Liberty was sooner to be parted with, than so excellent a Prince. However, to avoid all offence, he rejected the very Names he thought might be displeasing, and above all things, the Quality of a Dictator, which had been so odious in *Sylla* and *Cæsar*. By this means he was the Founder of that Government with continu'd ever after in *Rome*. The new Acquisitions to the Empire, were in his time very considerable: *Cantabria*, *Aquitania*, *Pannonia*, *Dalmatia*, and *Illyricum*, being wholly subdued: The Germans were driven beyond the River *Albis*, and Two of their Nations, the *Suevi* and *Sicambri*, transplanted into *Gaul*. (a)

Tiberius, tho' in *Augustus* his time, he had given proofs of an extraordinary Courage in the German War; (b) yet upon his own Accession to the Crown, is memorable for no Exploit but the reducing of *Cappadocia* into a Roman Province; (c) and this was owing more to his Cunning than his Valour. And at last, upon his infamous retirement into the Island *Caprea*, he grew so strangely negligent of the Publick Affairs, as to send no Lieutenants for the Government of *Spain* and *Syria* for several Years: To let *Armenia* be over-run by the *Parthians*; *Mæsia* by the *Dacians*; the *Sarmatians*, and almost all *Gaul*, by the Germans, to the extreme Danger, as well as Dishonour, of the Empire. (d) *Caligula*, as he far exceeded his Predecessor in all manner of Debauchery, so in relation to Martial Affairs, was much his Inferiour. However, he is famous for a Mock-Expedition that he made against the Germans; when arriving in that part of the Low Countries, opposite to *Britain*, and receiving into his Protection a fugitive Prince of the Island, he sent glorious Letters to the Senate, giving an account of the happy Conquest of the whole Kingdom. (e) And soon after, making his Soldiers fill their Helmets with Cockle-shells and Pebbles, which he call'd, *The Spoils of the Ocean*, (f) return'd to the City to demand a Triumph. (g) And when that Honour

(a) *Sueton. in August. c. 21.* (b) *Vid. Paterc. lib. 2. cap. 106, &c.* (c) *Eutrop. lib. 7.* (d) *Sueton. in Tib. cap. 41.* (e) *Suet. in Tib. cap. 41.* (f) *Idem. cap. 46.*
was

was denied him by the Senate, he broke out into such extravagant Cruelties, that he even compell'd them to cut him off for the security of their own Persons. (a) Nay he was so far from entertaining any desire of benefitting the Publick, that he often complain'd of his ill Fortune, because no signal Calamity happen'd in his time, and made it his constant wish, That either the utter destruction of an Army, or some Plague, Famine, Earthquake, or other extraordinary Desolation might continue the Memory of his Reign to succeeding Ages. (b)

Caligula being taken off, the Senate assembled in the Capitol, to debate about the extinguishing the Name and Family of the *Cæsars*, and restoring the Common-wealth to the old Constitution. (c) When one of the Soldiers that were ransacking the Palace, lighting casually upon *Claudius*, Uncle to the late Emperour, where he had hid himself in a Corner behind the Hangings, pull'd him out to the rest of his Gang, and recommended him as the fittest Person in the World to be Emperour. All were strangely pleas'd at the Motion; and taking him along with them by force, lodg'd him among the Guards. (d) The Senate, upon the first Information, sent immediately to stop their Proceedings: But not agreeing among themselves, and hearing the Multitude call out for one Governour, they were at last constrain'd to confirm the Election of the Soldiers; especially since they had pitch'd upon such an easie Prince as would be wholly at their command and disposal. (e) The Conquest of *Britain* was the most memorable in his time, owing partly to an Expedition that he made in Person, but chiefly to the Valour of his Lieutenants, *Ostorius Scapula*, *Aulus Plautius*, and *Vespasian*. The bounds of the Empire were in his Reign as followeth; *Mesopotamia* in the East, *Rhine* and *Danube* in the North, *Mauritania* in the South, and *Britain* in the West. (f)

The Roman Arms cannot be suppos'd to have made any considerable Progress under *Nero*; especially when *Suetonius* tells us, he neither hoped nor desir'd the Enlargement of the Empire. (g) However, Two Countries were in his time reduc'd into Roman Provinces; The Kingdom of *Pontus*, and the *Cottian Alps*, or that part of the Mountains which divides *Dauphiné* and *Piedmont*. *Britain*, and *Armenia* were once both lost, (h) and not

(a) *Idem*, cap. 47. (b) *Idem*, cap. 49. & 56. (c) *Idem*, c. 31. (d) *Idem*, c. 60. (e) *Idem*, in *Claud.* c. 10. (f) *Aurelius Victor* de *Cæsaribus* in *Caligula*. (g) *Aurelius Victor* de *Cæsaribus* in *Claud.* (h) *Sueton.* in *Nerone*, cap. 18. (i) *Idem*, cap. 40.

without great difficulty recover'd. And indeed, his averseness to the Camp made him far more odious to the Soldiers, than all his other Vices to the People: So that when the Citizens had the Patience to endure him for Fourteen Years, the Army under *Galba*, his Lieutenant in *Spain*, were constrain'd to undertake his removal.

Galba is acknowledg'd on all hands for the great Reformer of Martial Discipline; and tho' before his Accession to the Empire, he had been famous for his Exploits in *Germany* and other Parts; (a) yet the shortness of his Reign hindred him from making any advancements afterwards. His Age and Severity were the only causes of his Ruin: The first of which rendred him contemptible, and the other odious. And the Remedy he us'd to appease the Dissatisfactions, did but ripen them for Revenge. For immediately upon his adopting *Piso*, by which he hop'd to have pacified the People, *Otho*, who had ever expected that Honour, and was now enrag'd at his Disappointment, (b) upon Application made to the Soldiers, easily procur'd the Murder of the old Prince and his adopted Son; and by that means was himself advanc'd to the Imperial Dignity.

About the same time, the German Army under *Vitellius*, having an equal Aversion to the old Emperour with those at *Rome*, had sworn Allegiance to their own Commander. *Otho*, upon the first notice of their Designs, had sent to proffer *Vitellius* an equal share in the Government with himself. (c) But all Proposals for an Accommodation being refus'd, and himself compell'd, as it were, to march against the Forces that were sent towards *Italy*, he had the good Fortune to defeat them in Three small Engagements. But having been worsted in a greater Fight at *Bedriacum*, tho' he had still sufficient strength for carrying on the War, and expected daily a Reinforcement from several Parts; (d) yet he could not, by all the Arguments in the World, prevail'd with to hazard another Battel; but to end the Contentions, kill'd himself with his own Hands. On this account Historians, tho' they represent his Life as the most exact Picture of unmanly Softness; yet they generally confess his Death equal to the noblest of Antiquity; and the same Author (e) that has given him the lasting Title of *Mollis Otho*, hath yet set him in Competition with the famous *Cato*, in reference to the last Action of his Life.

(a) *Sueton.* in *Galb.* cap. 8. (b) *Idem*, cap. 17. (c) *Sueton.* in *Othon.* cap. 8. (d) *Ibid.* cap. 9. (e) *Martial.*

It has been observ'd of *Vitellius*, that he obtain'd the Empire by the sole Valour of his Lieutenants, and lost it purely on his own account. His extreme Luxury and Cruelty were for this Reason the more detestable, because he had been advanc'd to that Dignity, under the notion of the Patron of his Country, and the Restorer of the Rights and Liberties of the People. Within eight Months time, the Provincial Armies had unanimously agreed on *Vespasian* (a) for their Emperour; and the Tyrant, after he had been strangely mangled by the extreme Fury of the Soldiers and Rabble, was at last dragg'd into the River *Tiber*. (b)

The Republick was so far from making any advancement under the disturbances of the Three last Reigns, that she must necessarily have felt the fatal Consequences of them, had she not been seasonably reliev'd by the happy management of *Vespasian*. 'Twas an handsome turn of some of his Friends, when, by order of *Caligula*, his Bosom had, by way of Punishment, been stuff'd with Dirt; to put this Interpretation on the Accident, that the Common-wealth being miserably abus'd, and even trodden under foot, should hereafter fly to his Bosom for Protection. (c) And indeed, he seems to have made it his whole Care and Design to reform the Abuses of the City and State, occasion'd by the licentiousness of the late times. Nine Provinces he added to the Empire, (d) and was so very exact in all circumstances of his Life and Conduct, that one who has examin'd them both with all the niceness imaginable, can find nothing in either that deserves reprehension, except an immoderate desire of Riches. (e) And he covertly excuses him for this, by extolling at the same time his extraordinary Magnificence and Liberality. (f)

But perhaps he did not more oblige the World by his own Reign, than by leaving so admirable a Successor as his Son *Titus*; the only Prince in the World that has the Character of never doing an ill Action. He had given sufficient proof of his Courage in the famous Siege of *Jerusalem*, and might have met with as good Success in other parts, had he not been prevented by an untimely death, to the universal grief of Mankind.

But then *Domitian* so far degenerated from the Two excellent Examples of his Father and Brother, as to seem more emu-

(a) *Sueton. in Vitel. cap. 15.* (b) *Id. ibid. cap. 17.* (c) *Sueton. in Vespas. cap. 5.*
(d) *Eutrop. lib. 7.* (e) *Id. ibid. cap. 16.* (f) *Id. ibid. cap. 17, 18.*

lous of copying *Nero* or *Caligula*. However, as to Martial Affairs, he was as happy as most of his Predecessors; having, in Four Expeditions, subdued the *Catti*, *Daci*, and the *Sarmatians*, and extinguish'd a Civil war in the first beginning (a) By this means he had so entirely gain'd the Affections of the Soldiers, that when we meet with his nearest Relations, and even his very Wife engag'd in his Murder, (b) yet we find the Army so extremely dissatisfied, as to have wanted only a Leader to revenge his Death. (c)

(a) *Sueton. in Domit. cap. 6.* (b) *Id. ibid. cap. 14.* (c) *Id. ibid. cap. 23.*

CHAP. VI.

Of the Roman Affairs from Domitian to the end of Constantine the Great.

THE Two following Emperours have been deservedly stiled The Restorers of the Roman Grandeur; which, by reason of the Viciousness, or Negligence of the former Princes, had been extremely impair'd.

Nerva, tho' a Person of extraordinary Courage and Vertue, yet did not enjoy the Empire long enough to be on any other account so memorable, as for substituting so admirable a Successor in his room as *Trajan*.

'Twas he, that for the Happiness which attended his Undertakings, and for his just and regular Administration of the Government, has been set in Competition even with *Romulus* himself. 'Twas he that advanc'd the Bounds of the Empire farther than all his Predecessors; reducing into Roman Provinces the Five vast Countries of *Dacia*, *Assyria*, *Armenia*, *Mesopotamia*, and *Arabia* (a). And yet his prudent management in Peace, has been generally preferr'd to his Exploits in War. His Justice, Candour, and Liberality, having gain'd him such an universal Esteem and Veneration, that he was even Deified before his Death.

(a) *Eutrop. lib. 8.*

Adrian's Character has generally more of the Scholar than the Soldier: Upon which account, as much as out of Envy to his Predecessor, he slighted Three of the Provinces that had been taken in by *Trajan*, and was contented to fix the Bounds of the Empire at the River *Euphrates*. (a) But perhaps he is the first of the *Roman* Emperours that ever took a Circuit round his Dominions, as we are assur'd he did. (b)

Antoninus Pius studied more the defence of the Empire, than the Enlargement of it. However, his admirable Prudence, and strict Reformation of Manners, rendred him perhaps as serviceable to the Common-wealth as the greatest Conquerours.

The Two *Antonini*, *Marcus* and *Lucius*, were they that made the first Division of the Empire. They are both famous for a successful Expedition against the *Parthians*: And the former, who was the longest Liver, is especially remarkable for his extraordinary Learning, and strict Profession of *Stoicism*; whence he has obtain'd the Name of *The Philosopher*.

Commodus was as noted for all manner of Extravagancies, as his Father had been for the contrary Vertues; and after a very short Enjoyment of the Empire, was murder'd by one of his Mistresses. (c)

Pertinax too was immediately cut off by the Soldiers, who found him a more rigid Exactor of Discipline than they had been lately us'd to. And now claiming to themselves the Privilege of chusing an Emperour, they fairly expos'd the Dignity to sale. (d)

Didius Julian was the highest Bidder, and was thereupon invested with the Honour. But, as he only expos'd himself to Ridicule by such a mad Project, so he was in an instant made away with, in hopes of another Bargain. *Zosimus* makes him no better than a sort of an Emperour in a Dream. (e)

But the *Roman* Valour and Discipline were in a great Measure restor'd by *Severus*. Besides a famous Victory over the *Parthians*, the old Enemies of *Rome*, he subdu'd the greatest part of *Persia* and *Arabia*, and marching into this Island, *Britain*, deliver'd the poor Natives from the miserable Tyranny of the *Scots* and *Picts*; which an excellent Historian (f) calls the greatest Honour of his Reign.

Antoninus Caracalla had as much of a martial Spirit in him as his Father, but died before he could design any thing memora-

(a) *Eutrop. lib. 8.* (b) *Id. ibid.* (c) *Zosimus, Hist. lib. 1.* (d) *Ibid.* (e) *Ibid.*
(f) *Ælius Spartian. in Sever.*

ble, except an Expedition against the *Parthians*, which he had just undertaken.

Opilius Macrinus, and his Son *Diadumen* had made very little noise in the World, when they were cut off without much disturbance, to make room for *Heliogabalus*, Son of the late Emperour.

If he was extremely pernicious to the Empire by his extravagant Debaucheries, his Successor *Alexander Severus* was as serviceable to the State, in restoring Justice and Discipline. His noblest Exploit, was an Expedition against the *Persians*, in which he overcame their famous King *Xerxes*. (a)

Maximin, the first that from a common Soldier aspir'd to the Empire, was soon taken off by *Pupienus*, and he, with his Colleague *Balbinus*, quickly follow'd, leaving the supreme command to *Gordian*, a Prince of great Valour and Fortune, and who might probably have extinguish'd the very Name of the *Persians*, (b) had he not been treacherously murder'd by *Philip*, who within a very little time suffer'd the like Fortune himself.

Decius in the former part of his Reign had been very successful against the *Scythians* and other barbarous Nations; but was at last kill'd, together with his Son, in an unfortunate Engagement. (c)

But then *Gallus* not only struck up a shameful League with the *Barbarians*, but suffer'd them to over-run all *Thrace*, *Thessaly*, *Macedon*, *Greece*, (d) &c.

They were just threatening *Italy*, when his Successor *Æmilian* chas'd them off with a prodigious Slaughter: And upon his Promotion to the Empire, promis'd the Senate to recover all the *Roman* Territories that had been entirely lost, and to clear those that were over-run: (e) But he was prevented after Three Months Reign, by the common Fate of the Emperours of that time.

After him *Valerian* was so unfortunate as to lose the greatest part of his Army in an Expedition against the *Persians*, and to be kept Prisoner himself in that Country till the time of his Death. (f)

Upon the taking of *Valerian* by the *Persians*, the Management of Affairs was committed to his Son *Gallienus*; a Prince so extremely negligent and vicious, as to become the equal Scorn and Con-

(a) *Eutrop. lib. 8.* (b) *Pompon. Letus, in Gordian.* (c) *Idem, in Decio.* (d) *Idem, in Gallo.* (e) *Idem, ibid.* (f) *Idem, in Valeriano.*

tempt of both Sexes: (a) The looseness of his Government gave occasion to the Usurpation of the Thirty Tyrants, of whom some indeed, truly deserv'd that Name; others were Persons of great Courage and Virtue, and very serviceable to the Commonwealth. (b) In his time the *Almaigns*, after they had wasted all *Gaul*, broke into *Italy*. *Dacia*, which had been gain'd by *Trajan*, was entirely lost; all *Greece*, *Macedon*, *Pontus*, and *Asia*, over-run by the *Goths*. The *Germans* too had proceeded as far as *Spain*, and taken the famous City *Tarraco*, now *Tarragona* in *Catalonia*. (c)

This desperate state of Affairs was in some measure redress'd by the happy Conduct of *Claudius*, who, in less than two Years time, routed near Three hundred thousand *Barbarians*, and put an entire end to the *Gothick* War: Nor were his other Accomplishments inferiour to his Valour; an elegant Historian (d) having found in him the Virtue of *Trajan*, the Piety of *Antoninus*, and the Moderation of *Augustus*.

Quintillus was in all respects comparable to his Brother; whom he Succeeded not on account of his Relation, but his Merits. (e) But reigning only seventeen Days, 'tis impossible he could do any thing more than raise an Expectation in the World.

If any of the *Barbarians* were left within the Bounds of the Empire by *Claudius*, *Aurelian* entirely chas'd them out. In one single War, he is reported to have kill'd a Thousand of the *Sarmatians* with his own Hands: (f) But his noblest Exploit was, the conquering the famous *Zenobia*, Queen of the East (as she styl'd herself) and the taking her capital City *Palmyra*. At his return to *Rome*, there was scarce any Nation in the World, out of which he had not a sufficient number of Captives to grace his Triumph: The most considerable were the *Indians*, *Arabians*, *Goths*, *Franks*, *Suevians*, *Saracens*, *Vandals*, and *Germans*. (g)

Tacitus was contented to shew his Moderation and Justice, in the quiet Management of the Empire, without any hostile Design: Or had he express'd any such Inclinations, his short Reign must necessarily have hindred their effect.

Probus, to the wise Government of his Predecessor, added the Valour and Conduct of a good Commander: 'Twas he that oblig'd the barbarous Nations to quit all their footing in *Gaul*, *Illyricum*, and several Provinces of the Empire; insomuch, that the very *Parthians* sent him flattering Letters, confessing the dismal

(a) Trebell. Pollio in Tyran. (b) Idem, in Gallieno. (c) Eutrop. lib. 9. (d) Trebell. Pollio in Claudio. (e) Ibid. (f) Flavius Vopisc. in Aureliano. (g) Ibid.

Appre-

Apprehensions they entertain'd of his Designs against their Country, and beseeching him to favour them with a Peace. (a)

There was scarce any Enemy left to this Successor *Carus*, except the *Persians*; against whom he accordingly undertook an Expedition: But after two or three successful Engagements, died with the Stroke of a Thunder-bolt. (b)

His two Sons, *Carinus* and *Numerian*, were of so opposite a Genius, that one is generally represented as the worst, the other as the best, of Men. *Numerian* was soon treacherously murder'd by *Aper*; who, together with the other Emperor *Carinus*, in a very little time, gave way to the happy Fortune of *Dioclesian*, the most Successful of the latter Emperours; so famous for his prodigious Exploits in *Egypt*, *Persia*, and *Armenia*, and a Roman Author (c) has not stuck to compare him with *Jupiter*, as he does his Son *Maximian* with *Hercules*.

Constantius Chlorus, and *Galerius*, were happier than most of their Predecessors, by dying, as they had for the Most part liv'd, in Peace,

Nor are *Severus* and *Maximinian* on any account very remarkable, except for leaving so admirable a Successor, as the famous *CONSTANTINE*; who ridding himself of his Two Competitors, *Licinius* and *Maxentius*, advanc'd the Empire to its ancient Grandeur. His happy Wars, and wise Administration in Peace, have gain'd him the Surname of *The GREAT*, an Honour unknown to former Emperours: Yet in this respect, he is justly reputed unfortunate, That by removing the Imperial Seat from *Rome* to *Constantinople*, he gave occasion to the utter Ruine of *Italy*.

(a) Flavius Vopisc. in Probo. (b) Idem, in Caro. (c) Pomponius Letus in vita ejus

C H A P. VII.

Of the Roman Affairs from Constantine the Great, to the taking of Rome by Odoacer, and the Ruine of the Western Empire.

THO' the Three Sons of *Constantine* at first divided the Empire into Three distinct Principalities; yet it was afterwards reunited under the longest Survivor, *Constantius*. The Wars between him and *Magnentius*, as they prov'd fatal to the Tyrant; so were they extremely prejudicial to the whole State; which at this time, was involv'd in such unhappy Difficulties, as to be very unable to bear so excessive a Loss of Men, no less than 54000 being kill'd on both sides. (a) And perhaps this was the chief reason of the ill success, which constantly attended that Emperour, in the Eastern Wars: For the *Persians* were all along his Superiours; and when at last a Peace was concluded, the Advantage of the Conditions laid on their side.

Julian, as he took effectual care for the security of the other Bounds of the Empire; so his Designs against the most formidable Enemies, the *Persians*, had all appearance of Success; but that he lost his Life before they could be fully put in execution.

Jovian was no sooner elected Emperour, but being under some apprehension of a Rival in the West, he immediately struck up a most dishonourable Peace with the *Persians*, at the Price of the famous City *Nisibis*, and all *Mesopotamia*. For which base Action, as he does not fail of an Inveective from every Historian; so particularly *Ammianus Marcellinus* (b) and *Zosimus*, have taken the pains to shew, that he was the first Roman Governour who resign'd up the least part of their Dominions upon any account.

Valentinian the First, has generally the Character of an excellent Prince: But he seems to have been more studious of obliging his Subjects, by an easie and quiet Government, than

(a) Pompon. Latius. (b) Lib. 25.

desirous of acting any thing against the encroaching Enemies.

Gratian too, tho' a Prince of great Courage and Experience in War, was able to do no more than to settle the single Province of *Gaul*: But he is extremely applauded by Historians, for taking such extraordinary care in the business of a Successor: For being very sensible how every Day produc'd worse Effects in the Empire; and that the State, if not at the last Gasp, yet was very nigh, beyond all hopes of recovery; he made it his whole study to find out a Person that should, in all Respects, be capacitated for the noble Work of the Deliverance of his Country. The Man he pitch'd upon was *Theodosius*, a Native of *Spain*; who, being now invested with the Command of the East, upon the death of *Gratian*, remain'd sole Emperour. And, Indeed, in a great measure he answer'd the Expectation of the world, proving the most resolute Defender of the Empire in its declining Age. But for his Colleague *Valentinian* the Second, he was cut off, without having done any thing that deserves our Notice.

Under *Honorius*, things return'd to their former desperate state, the barbarous Nations getting ground on all sides, and making every day some diminution in the Empire; till at last, *Alaric*, King of the *Goths*, waisting all *Italy*, proceeded to *Rome* it self; and being contented to set a few Buildings on fire, and rife the Treasuries, retir'd with his Army (a). So that this is rather a Disgrace, than a Destruction of the City. And *Nero* is suppos'd to have done more Mischief when he set it on fire in jest, than it now suffer'd from the barbarous Conquerour.

Valentinian the Third, at his first Accession to the Empire, gave great hopes of his proving the Author of a happy Revolution (b); and he was very fortunate in the war against the famous *Attila* the *Hun*: But his Imprudence in putting to death his best Commander *Aetius*, hastened very much the ruine of the Roman Cause, the barbarous Nations now carrying all before them, without any considerable opposition.

By this time, the State was given over as desperate; and what Princes follow'd till the taking of the City by *Odoacer*, were only a company of miserable, short-liv'd Tyrants, remarkable for nothing but the Meanness of their Extraction, and the Poorness of their Government; so that Historians generally pass them over in silence, or at most with the bare mention of their Names.

(a) Paul. Diacon. & Pompon. Lat. (b) Pompon. Lat.

The best account of them we can meet with, is as follows : *Maximus*, who in order to his own Promotion, had procur'd the Murder of *Valentinian*, soon after compell'd his Widow *Eudoxia* to accept of him as a Husband ; when the Empress, entertaining a mortal Hatred for him on many accounts, sent to *Genferic*, a famous King of the *Vandals*, and a Confederate of the late Emperour's, desiring his assistance for the Deliverance of herself and the City, from the Usurpation of the Tyrant. *Genferic* easily obey'd ; and landing with a prodigious Army in *Italy*, entred *Rome* without any opposition ; where, contrary to his Oath and Promise, he seiz'd on all the Wealth, and carry'd it, with several thousands of the Inhabitants, into *Africk* (a).

Avitus, the General in *Gaul*, was the next that took upon him the Name of Emperour, which he resign'd within eight Months (b).

Majorianus succeeded ; and after three Years, left the Honour to *Severus*, or *Severian* ; who had the Happiness, after four Years Reign, to die a natural Death (c).

After him, *Anthemius* was elected Emperour, who lost his Life and Dignity, in a Rebellion of his Son-in-Law *Ricimer* (d). And then *Olybrius* was sent from *Constantinople* too, with the same Authority ; but died within seven Months (e).

Liarius, or *Glycerius*, who had been elected in his room by the Soldiers, was immediately almost depos'd by *Nepos* ; and he himself quickly after by *Orestes* (f), who made his Son *Augustus*, or *Augustulus*, Emperour. And now *Odoacer*, King of the *Heruli*, with an innumerable multitude of the barbarous Nations, ravaging all *Italy*, approach'd to *Rome* ; and entering the City without any resistance, and deposing *Augustulus*, secur'd the Imperial Dignity to himself, and tho' he was forc'd afterwards to give place to *Theodoric* the *Goth*, yet the *Romans* had never after, the least Command in *Italy*.

(a) Paul. Diacon. & Evagrius Hist. Eccles. lib. 2. cap. 7. (b) Id. Ibid. (c) Paul. Diacon, lib. 16. (d) Ibid. (e) Ibid. (f) Jornandes de Regn. Success.

PART II.

BOOK I. *Of the CITY.*

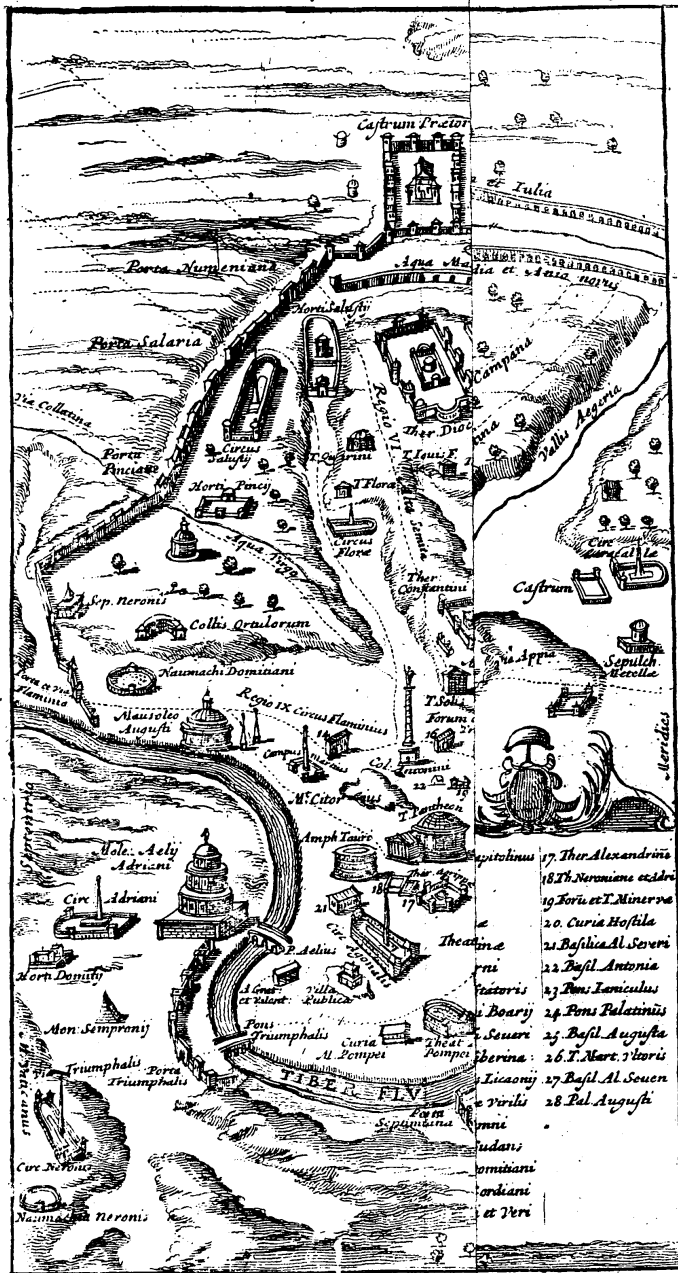
CHAP. I.

Of the Pomœrium, and of the Form and Bigness of the CITY, according to the Seven Hills.

BEFORE we come to please our selves with a particular View of the City, we must, by all means, take notice of the *Pomœrium*, for the Singularity of the Custom to which it ow'd its Original. *Livy* defines the *Pomœrium*, in general, to be that space of Ground both within and without the Walls; which the *Augurs*, at the first Building of Cities, solemnly consecrated, and on which no Edifices were suffer'd to be rais'd. (a) But the account which *Plutarch* gives us of this matter, in reference to *Rome* it self, is sufficient to satisfy our Curiosity; and is deliver'd by him to this purpose: *Romulus* having sent for some of the *Tuscans*, to instruct him in the Ceremonies to be observ'd in laying the Foundations of his New City, the Work was begun in this manner:

First, They dug a Trench, and threw into it the First-Fruits of all Things, either good by Custom, or necessary by Nature; and every Man taking a small Turff of Earth of the Country from whence he came, they all cast them in promiscuously together; mak-

(a) *Livy, lib. 1.*



king this Trench their Center, they describ'd the City in a Circle round it: Then the founder fitted to a Plough a brazen Ploughshare; and yoking together a Bull and a Cow, drew a deep Line, or Furrow, round the Bounds; those that follow'd after, taking care that all the Clods fell inwards toward the City. They built the Wall upon this Line, which they call'd *Pomerium*, from *Pone Mania*. (a) Though the Phrase of *Pomerium proferre* be commonly us'd in Authors, to signify the enlarging of the City; yet 'tis certain, the City might be enlarg'd without that Ceremony. For *Tacitus* and *Gellius* declare, no Person to have had a right of extending the *Pomerium*, but such an one, as had taken away some part of an Enemy's Country in War; whereas it's manifest, That several Great Men, who never obtain'd that Honour, increas'd the Buildings with considerable Additions.

'Tis remarkable, that the same Ceremony with which the Foundations of their Cities were at first laid, they us'd too in destroying and raising Places taken from the Enemy; which we find was begun by the Chief Commander's turning up some of the Walls with a Plough (b)

As to the Form and Bigness of the City, we must follow the common Direction of the seven Hills, whence came the Phrase of *Urbs Septicollis*, and the like, so frequent with the Poets.

Of these, *Mons Palatinus* has ever had the Preference; whether so call'd from the people *Palantes*, or *Palatini*, or from the Bleating and Strolling of Cattel, in *Latin*, *Balare* and *Palare*; or from *Pales*, the Pastoral Goddess; or from the Burying-Place of *Pallas*, we find disputed, and undetermin'd among their Authors. 'Twas in this Place, that *Romulus* laid the foundations of the City, in a quadrangular Form; and here the same King and *Tullus Hostilius* kept their Courts as did afterwards *Augustus*, and all the succeeding Emperours; on which account, the word *Palatium* came to signify a Royal Seat (c)

This Hill to the East has *Mons Caelius*, to the South *Mons Aventinus*, to the West *Mons Capitolinus*, to the north the *Forum* (d) In compass Twelve Hundred Paces (e).

Mons Tarpeius took its Name from *Tarpeia*, a Roman Virgin who betray'd the City to the *Sabines*, in this Place (f). It was call'd too *Mons Saturni* and *Saturnius*, in Honour of *Saturn*, who is reported to have liv'd here in his Retirement, and was ever reputed

(a) *Plutarch*, in *Romul*. (b) *Dempster Paralipom.* to *Rosin*. lib. 1. cap. 3. (c) *Rosin. Antiqu.* lib. 1. cap. 4. (d) *Fabricii Roma*, cap. 3. (e) *Marlian. Topograph. Antiqu. Romæ*. l. 1. cap. 1. (f) *Plutarch*, in *Romul*.

the Tutelar Deity of this Part of the City. It had afterwards the Denomination of *Capitolinus*, from the Head of a Man casually found here in digging for the Foundations of the famous Temple of *Jupiter* (a), call'd *Capitolium*, for the same reason. This Hill was added to the City by *Titus Tatius*, King of the *Sabines*, when having been first overcome in the Field by *Romulus*, he and his Subjects were permitted to incorporate with the *Romans* (b). It has to the East, *Mons Palatinus*, and the *Forum*; to the South, the *Tiber*; to the West, the level Part of the City; to the North, *Collis Quirinalis* (c).

in compass seven *Stadia*, or Furlongs (d).

Collis Quirinalis, was so call'd either from the Temple of *Quirinus*, another Name of *Romulus*; or, more probably from the *Cures*, a People that remov'd hither with *Tatius* from *Cures*, a *Sabine* City (e). It afterwards chang'd its Name to *Caballus*, *Mons Caballi*, and *Caballinus*, from the two Marble-Horses, with each a Man holding him, which are set up here. They are still standing; and if the Inscription on the Pilasters be true, were the Work of *Phidias* and *Praxiteles* (f) Made by those Famous Masters to represent *Alexander* the Great and his *Bucephalus*, and sent to *Nero* for a Present by *Tiridates* King of *Armenia*. This Hill was added to the City by *Numa* (g)

To the East, it has *Mons Esquilinus*, and *Mons Viminalis*; to the South, the *Forums* of *Cæsar* and *Nerva*; to the West, the level Part of the City; to the North, *Collis Hortulorum*, and the *Campus Martius*; (h).

In compass almost three Miles (i).

Mons Caelius owes its Name to *Cælius*, or *Cæles* a famous *Tuscan* General, who pitch'd his Tents here, when he came to the assistance of *Romulus* against the *Sabines* (k). *Livy* (l) and *Dionysius* (m) attribute the taking of it in, to *Tullus Hostilius*; but *Strabo* (n) to *Ancus Martius*. The other Names by which it was sometimes known, were *Querculanus*, or *Quercetulanus*, and *Augustus*: The first occasion'd by the abundance of Oaks growing there; the other impos'd by the Emperour *Tiberius*, when he had rais'd new Buildings upon it. after a Fire. (o)

One part of this Hill was call'd *Caeliolus*, and *Minor Cælius*. (p)

(a) *Liv. lib.* 1. cap. 55. (b) *Dionysius*. (c) *Fabricii Roma*. cap. 3. (d) *Marlian. lib.* 1. cap. 1. (e) *Sext. Pomp. Festus*. (f) *Fabricii Roma*, cap. 3. (g) *Dionys. Halicarn.* lib. 2. (h) *Fabricii Roma*, cap. 3. (i) *Marlian. lib.* 1. cap. 1. (k) *Varro de Ling. Lat.* lib. 4. (l) *Lib.* 1. cap. 30. (m) *Lib.* 3. (n) *Geograph. lib.* 5. (o) *Tacit. Ann.* 4. *Suet. in Tib.* cap. 48. (p) *Fabricii Roma*. cap. 3.

To the East, it has the City-Walls; to the South, *Mons Aventinus*; to the West, *Mons Palatinus*; to the North, *Mons Esquilinus*. (a)

In compass about two Miles and a half. (b)

Mons Esquilinus was anciently call'd *Cispinus*, and *Oppius*; (c) the Name of *Esquilinus* was varied, for the easier pronunciation from *Exquilinus*, a Corruption of *Excubinus*, *ab excubiis*, from the Watch that *Romulus* kept here. (d) It was taken in by *Servius Tullius*, (e) who had here his Royal Seat. (f) *Varro* will have the *Esquilie* to be properly Two Mountains; (g) which Opinion has been since approv'd of by a curious Observer. (h)

To the East, it has the City-Walls; to the South the *Via Labicana*; to the West, the Valley lying between *Mons Caelius* and *Mons Palatinus*; to the North, *Collis Viminalis*. (i)

In Compass about four Miles. (k)

Mons Viminalis derives its Name from the * *Vimina*. * Others that grow there in great Plenty. This Hill was taken in by *Servius Tullius*. (l)

To the East it has the *Campus Esquilinus*; and to the South part of the *Suburra* and the *Forum*; to the West *Mons Quirinalis*; to the North, the *Vallis Quirinalis*. (m)

In Compass Two Miles and an half. (n)

The Name of *Mons Aventinus* has given great Cause of Dispute among the Criticks; some deriving the Word from *Aventinus* an *Alban King*; (o) some from the River *Avens*; (p) and others *Ab avibus*, from the Birds which us'd to fly hither in great Flocks from the *Tiber*. (q) It was call'd too *Murcius*, from *Murcia*, the Goddess of Sleep, who had here a *Sacellum*, or little Temple; (r) *Collis Diane*, from the Temple of *Diana*; (s) and *Remonius* from *Remus*, who would have had the City begun in this place, and was here buried. (t) *A. Gellius* affirms, (u) that this Hill being all along reputed Sacred, was never enclos'd within the Bounds of the City 'till the time of *Claudius*. But *Eutropius* (w) expressly attributes the taking of it in to *Ancus Martius*; and an old Epigram inserted by *Cyprian* in his Comment on *Cassiodorus*, confirms the same.

To the East, it has the City-Walls; to the South, the *Campus Fingulinus*; to the West the *Tiber*; to the North *Mons Palatinus*. (x)

(a) *ibid.* (b) *Marlian. lib. 1. cap. 1.* (c) *Fabricii Roma, cap. 3.* (d) *Vid. Propert. lib. 2. Eleg. 8.* (e) *Liv. lib. 1. cap. 44.* (f) *ibid.* (g) *de Ling. Latin lib. 4.* (h) *Marlian. lib. 1. cap. 1.* (i) *Fabricii Roma, cap. 3.* (k) *Marlian. lib. 1. cap. 1.* (l) *Deor. lib. 4.* (m) *Fabricii Roma, cap. 3.* (n) *Marlian. lib. 1. cap. 1.* (o) *Varro de Ling. Lat. lib. 4.* (p) *ibid.* (q) *ibid.* (r) *Sext. Pomp. Festus.* (s) *Marlian. lib. 1. cap. 1.* (t) *Plutarch. in Romul.* (u) *lib. 13. cap. 14.* (w) *lib. 1.* (x) *Fabricii Roma, cap. 3.*

In Circuit eighteen *Stadia*, or Two Miles and a quarter. (a) Besides these Seven principal Hills, Three other of inferior note were taken in in latter time.

Collis Hortulorum, or *Hortorum*, had its Name from the famous Gardens of *Sallust* adjoining to it. (b) It was afterwards call'd *Pincius*, from the *Pincii*, a Noble Family who had here their Seat. (c) The Emperour *Aurelian* first enclos'd it within the City-Walls. (d)

To the East and South it has the plainest part of *Mons Quirinalis*; to the West the *Vallis Martia*; to the North the walls of the City. (e)

In Compass about Eighteen *Stadia*. (f)

Faniculum, or *Fanicularis*, was so call'd, either from an old Town of the same Name, said to have been built by *Janus* :

Or, because *Janus* dwelt and was buried here : (g)

* *Janua*. Or, because 'twas a sort of * Gate to the Romans, whence they issu'd out upon the *Tuscans*. (h) The Sparkling Sands have at present given it the Name of *Mons aureus*, and by corruption *Montorius*. (i) We may make Two Observations about this Hill from one Epigram of *Martial*; That 'tis the fittest place to take one's Standing for a full Prospect of the City; and that 'tis less inhabited than the other Parts, by reason of the grossness of the Air. (k) It is still famous for the Sepulchres of *Numa*, and *Statius* the Poets. (l)

To the East and South it has the *Tiber*; to the West the Fields; to the North the *Varican*. (m)

In circuit (as much of it as stands within the City-Walls) Five *Stadia*. (n)

Mons Vaticanus owes its Name to the Answers of the *Vates* or Prophets, that us'd to be given here; or from the God *Vaticanus* or *Vagitanus*. (o) It seems not to have been enclos'd within the Walls 'till the time of *Aurelian*.

This Hill was formerly famous for the Sepulchre of *Scipio Africanus*; some Remains of which are still to be seen. (p) But it is more celebrated at present on the account of St. Peter's Church, the Pope's Palace, and the noblest Library in the World.

(a) *Marlian. lib. 1. cap. 1.* (b) *Rosin. lib. 1. cap. 11.* (c) *ibid.* (d) *ibid.* (e) *Fabricii Roma, cap. 3.* (f) *Marlian. lib. 1. cap. 1.* (g) *Rosin. lib. 1. cap. 11.* (h) *Festus.* (i) *Fabricii Roma, cap. 3.* (k) *Martial. Epig. lib. 4. Ep. 64.* (l) *Fabricii Roma, lib. 1. cap. 3.* (m) *ibid.* (n) *Marlian. lib. 1. cap. 1.* (o) *Festus.* (p) *Warcup's Hist. of Italy, Book 2.*

To the East it has the *Campus Vaticanus*, and the River; to the South the *Faniculum*; to the West the *Campus Figulinus*, or Potters Field; to the North the *Prata Quintia*. (a)

It lies in the shape of a Bow drawn up very high; the convex Part stretching almost a Mile. (b)

As to the extent of the whole City, the greatest we meet with in History, was in the Reign of *Valerian*, who enlarg'd the Walls to such a Degree as to surround the space of Fifty Miles. (c)

The number of Inhabitants in its flourishing State, *Lipsius* computes at Four Millions (d)

At present the compass of the City is not above Thirteen Miles. (e)

(a) *Fabrizii Roma*, cap. 3. (b) *Marlian. lib. 1. cap. 1.* (c) *Vopisc. in Aureliano.*
(d) *De Magnitud. Roman.* (e) *Fabrizii Roman.* cap. 2.

CHAP. II.

Of the Division of the City into Tribes and Regions: And of the Gates and Bridges.

ROMULUS divided his little City into Three Tribes; and *Servius Tullius* added a fourth; which division continu'd till the time of *Augustus*. 'Twas he first appointed the Fourteen Regions or Wards: An Account of which, with the number of Temples, Baths, &c. In every Region, may be thus taken from the accurate *Parvinius*.

REGION I. PORTA CAPENA.

Streets 9.	Arches 4.
Luci 3.	Barns 14.
Temples 4.	Mills 12.
Aedes 6.	Great Houses 121.
Publick Baths 6.	

The whole Compass 13223 Feet.

REGION II. COELIMONTIUM.

Streets 12.	Private Baths 80.
Luci 2.	The Great Shambles.

Ten

Temples 5.	Barns 23.
The Publick Baths of the City.	Mills 23.
	Great Houses 133.
The Compass 13200 Feet.	

REGION III. ISIS and SERAPIS.

Streets 8.	The Baths of <i>Titus</i> , <i>Trajan</i> , and <i>Philip</i> .
Temples 2.	Barns 29, or 19.
The Amphitheatre of <i>Vespasian</i> .	Mills 23.
	Great Houses 160.
The Compass 12450 Feet.	

REGION IV. VIA SACRA, or TEMPLUM PACIS.

Streets 8.	Private Baths 75.
Temples 10.	Barns 18.
The Colossus of the Son 120 Foot high.	Mills 24.
The Arches of <i>Titus</i> , <i>Severus</i> , and <i>Constantine</i> .	Great Houses 138.
The Compass 14000; or as some say, only 8000 Feet.	

REGION V. ESQUILINA.

Streets 15.	Private Baths 75.
Luci 8.	Barns 23.
Temples 6.	Mills 22.
Aedes 5.	Great Houses 180.
The Compass 15950 Feet.	

REGION VI. ACTA SEMITA.

Streets 12 or 13.	Private Baths 75.
Temples 15.	Barns 19.
Portico's 2.	Mills 23.
Circi 2.	Great Houses 155.
Fora 2.	
The Compass 15600 Feet.	

REGION VII. VIA LAT A.

Streets 40.	Mills 17.
Temples 4.	Barns 25.
Private Baths 75.	Great Houses 120.
Arches 3.	

The Compaſs 23700 Feet.

REGION VIII. FORUM ROMANUM.

Streets 12.	Curia 4.
Temples 21.	Baſilica 7.
Private Baths 66.	Columns 6.
Ædes 10.	Barns 18.
Portico's 9.	Mills 30.
Arches 4.	Great Houses 150.
Fora 7.	

The Compaſs 14867 Feet.

REGION IX. CIRCUS FLAMINIUS.

Streets 30.	Curia 2.
Temples 8.	Therma 5.
Ædes 20.	Arches 2.
Portico's 12.	Columns 2.
Circi 2.	Mills 32.
Theatres 4.	Barns 32.
Baſilica 3.	Great Houses 189.

The Compaſs 30560 Feet.

REGION X. PALATIUM.

Streets 7.	Private Baths 15.
Temples 10.	Mills 12.
Ædes 9.	Barns 16.
Theatre 1.	Great Houses 109.
Curia 4.	

The Compaſs 11600 Feet.

REGION XI CIRCUS MAXIMUS.

Streets 8.	Barns 16.
Ædes 22.	Mills 12.
Private Baths 15.	Great Houses 189.
The Compaſs	11600 Feet.

REGION XII. PISCINA PUBLICA.

Streets 12.	Barns 28.
Ædes 2.	Mills 25.
Private Baths 68.	Great Houses 128.
The Compaſs	12000 Feet.

REGION XIII. AVENTINUS.

Streets 17.	Barns 36.
Luci 6.	Mills 30.
Temples 6.	Great Houses 155.
Private Baths 74.	
The Compaſs	16300 Feet.

REGION XIV. TRANSTIBERINA.

Streets 23.	Barns 20.
Ædes 6.	Mills 32.
Private Baths 136.	Great Houses 150.
The Compaſs	33409 Feet.

As to the Gates, *Romulus* built only Three, or (as ſome will have it) Four at moſt. But as Buildings were enlarg'd, the Gates were accordingly multiplied; ſo that *Pliny* tells us there were Thirty four in his time.

The moſt remarkable were,
Porta Flumentana, ſo call'd, becauſe it ſtood near the River.
Porta Flaminia, owing its Name to the *Flaminian* Way, which begins there.

Porta Cæmentalis, built by *Romulus*, and ſo call'd from *Carmenta*, the Prophetess, Mother of *Evander*.

Porta Navia, which *Varro* derives a *nemoribus*, from the Woods which formerly ſtood near it.

Porta Salaria, deriving its Name from the Salt which the *Sabines* us'd to bring in at that Gate from the Sea. to supply the City.

Porta Capena, call'd so from *Capena*, an old City of *Italy*, to which the way laid through this Gate. It is sometimes call'd *Appia*, from *Appius* the Censor; and *Triumphalis*, from the Triumphs in which the Procession commonly pass'd under here; and *Fontinalis*, from the *Aqueducts* which were rais'd over it: Whence *Juvenal* calls it, *Madida Capena*; and *Martial*, *Capena*, *grandi Porta quæ pluit guttâ*.

The *Tiber* was pass'd over by Eight Bridges; the Names of which are thus set down by *Marlian*; *Milvius*, *Ælius*, *Vaticanus*, *Janiculensis*, *Cestius*, *Fabricius*, *Palatinus*, and *Sublicius*.

C H A P. III.

Of the Places of Worship; particularly of the Temples and Luci.

BEFORE we proceed to take a view of the most remarkable places set a-part for the Celebration of Divine Service, it may be proper to make a short Observation about the general Names, under which we meet with them in Authors.

Templum (then) was a place which had not been only dedicated to some Deity, but with all formally Consecrated by the *Augurs*.

Ædes Sacra, were such as wanted that Consecration; which if they afterwards receiv'd, they chang'd their Names to Temples.

Delubrum, according to *Servius*, was a place that under one Roof comprehended several Deities.

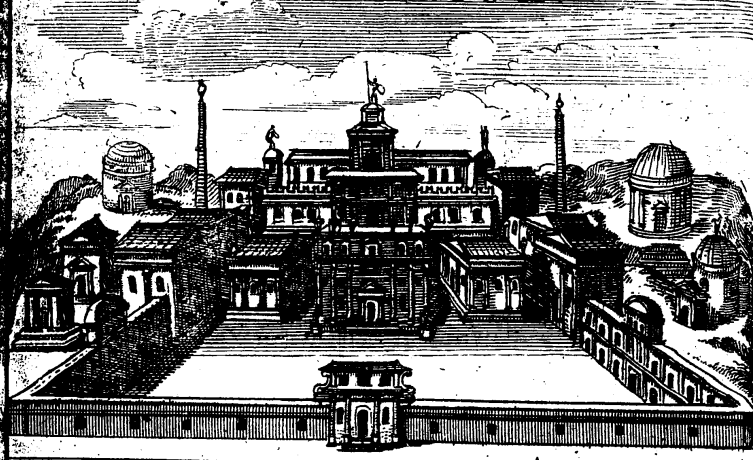
Ædícula is only a diminutive, and signifies no more than a little *Ædes*.

Sacellum may be deriv'd the same way from *Ædes Sacra*. *Festus* tells us, 'tis a place sacred to the Gods, without a Roof.

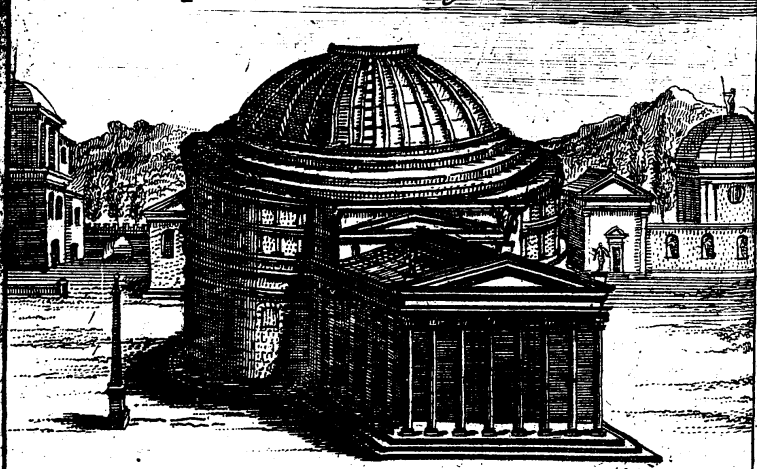
'Twere endless to reckon up but the bare Names of all the Temples we meet with in Authors. The most celebrated on all accounts were, the *Capitol* and the *Pantheon*.

The

CAPITOLIUM



Templ. PANTHEON vulgo Rotunda



Part II. of the Roman Empire.

The Capitol, or Temple of *Jupiter Capitolinus* was the effect of a Vow made by *Tarquinius Priscus* in the Sabine War. (a) But he had scarce laid the Foundations before his Death. His Nephew, *Tarquin the Proud*, finish'd it with the Spoil taken from the neighbouring Nations. (b) But upon the expulsion of the Kings, the Consecration was perform'd by *Horatius* the Consul. (c) The Structure stood on a high Ridge, taking in Four Acres of Ground. The Front was adorn'd with Three Rows of Pillars, the other sides with Two. (d) The Ascent from the Ground was by an hundred Steps. (e) The prodigious Gifts and Ornaments, with which it was at several times endow'd, almost exceed belief. *Suetonius* (f) tells us, that *Augustus* gave at one time Two thousand pound weight of Gold: And in Jewels and precious Stones, to the value of Five hundred Sesterces. *Livy* and *Pliny* (g) surprize us with Accounts of the brazen Thresholds, the noble Pillars that *Sylla* remov'd hither from *Athens* out of the Temple of *Jupiter Olympius*; the gilded Roof, the gilded Shields, and those of solid Silver; the huge Vessels of Silver, holding Three Measures; the Golden Chariot, &c. This Temple was first consum'd by fire in the *Marian* War, and then rebuilt by *Sylla*; who dying before the Dedication, left that Honour to *Quintus Catulus*. This too was demolished in the *Vitellian* Sedition. *Vespasian* undertook a Third, which was burnt down about the time of his Death. *Domitian* rais'd the last and most glorious of all; in which the very Gilding amounted to Twelve thousand Talents. (h) On which Account *Plutarch* (i) has observ'd of that Emperour, that he was like *Midas*, desirous of turning every thing into Gold. There are very little remains of it at present; yet enough to make a *Christian* Church. (k)

The Pantheon was built by *Marcus Agrippa*, Son-in-Law to *Augustus Cæsar*; and dedicated either to *Jupiter Ultor*, or to *Mars* and *Venus*, or more probably, to all the Gods in general, as the very Name (quasi Τῶν πάντων Θεῶν) implies. The Structure, according to *Fabricius* (l) is an Hundred and forty Foot high, and about the same breadth. But a later Author has encreas'd the number of Feet to an Hundred fifty eight. The Roof is curiously vaulted, void places being left here and there for the greater strength. The Rafters were Pieces of Brass of For-

(a) *Liv. lib. 1.* (b) *Ibid.* (c) *Plutarch. in Poplicol.* (d) *Dionys. Halicar.* (e) *Tacitus. (f) In August. cap. 30.* (g) *Liv. lib. 10, 35 38. Pliny, lib. 33, &c.* (h) *Plutarch. in Poplicolâ.* (i) *Ibid.* (k) *Fabric. Roma, cap. 9.* (l) *Ibid.*

ty Foot in length. There are no Windows in the whole *Ædific*, only a round Hole at the top of the Roof, which serves very well for the admission of the Light. Diametrically under, is cut a curious Gutter to receive the Rain. The Walls on the inside are either solid Marble, or incrusted. (a) The front on the outside was cover'd with brazen Plates gilt, the top with silver-Plates, which are now chang'd to Lead. (b) The Gates were Brass, of extraordinary Work and Bigness. (c)

The Temple is still standing with little alteration, besides the loss of the old Ornaments, being converted into a *Christian Church* by Pope *Boniface III.* (or, as *Polydore Virgil* (d) has it, by *Boniface IV.*) Dedicated to *St. Mary*, and all Saints, tho' the general Name be *St. Mary de Rotonda*. (e) The most remarkable difference is, that whereas heretofore they ascended by twelve Steps, they now go down as many to the Entrance. (f)

The Ceremony of the Consecration of Temples (a piece of Superstition very well worth our notice) we can't better apprehend, than by the following account which *Tacitus* gives us of that Solemnity, in reference to the *Capitol*, when repair'd by *Vespasian*: Tho' perhaps the chief Rites were celebrated upon the entire raising of the Structure, this being probably intended only for the hallowing the Floor. *Undecimo Kalendas Julias*, (g) &c.

Upon the 21st of June, being a very clear Day, the whole Plot of Ground design'd for the Temple, was bound about with Fillets and Garlands. Such of the Soldiers as had lucky Names, entred first with Boughs in their Hands, taken from those Trees which the Gods more especially delighted in. Next came the *Vestal Virgins*, with Boys and Girls, whose Fathers and Mothers were living, and sprinkled the Place with Brook-water, River-water, and Spring-water. Then *Helvidius Priscus* the *Prætor*, (*Plinius Elian*, one of the Chief Priests, going before him) after he had perform'd the solemn Sacrifice of a Swine, a Sheep, and a Bullock, for the Purgation of the Floor, and laid the Entrails upon a green Turf; humbly besought *Jupiter*, *Juno*, *Minerva*, and the other Deities, Protectors of the Empire, that they would be pleas'd to prosper their present Undertaking, and accomplish, by their Divine Assistance, what Human Piety had thus begun. Having concluded his Prayer, he put his Hand to the Fillets, to which the Ropes, with a great Stone fastned in them, had been tied for this occasion; when immediately the whole Company of Priests, Senators, and Knights,

(a) *Marlian. Topog. Rom. Antiq. lib. 6, cap. 6.* (b) *Ibid. & Fabric. Rom. cap. 9. (c) Marlian. ibid. (d) Lib. 6, cap. 8. (e) Fabric. cap. 9, (f) Ibid. (g) Hist. lib. 4.* w.th

with the greatest part of the common People, laying hold together on the Rope, with all Expressions of Joy, drew the Stone into the Trench design'd for the Foundation, throwing in Wedges of Gold, Silver, and other Metals, which had never endur'd the Fire.

Some curious Persons have observ'd this Similitude between the Shape of these old Temples, and our Modern Churches: That they had one Apartment more holy than the rest, which they term'd *Cella*, answering to our Chancel or Chaire: That the Portico's in the sides, were in all respects like to our Isles; and that our *Navis*, or Body of the Church, is an imitation of their *Basilica* (a.)

There are two other Temples particularly worth our notice; not so much for the Magnificence of the Structure, as for the Customs that depend upon them, and the remarkable Use to which they were put. These are the Temples of *Saturn* and *Janus*.

The first was famous upon account of serving for the Publick Treasury: The reason of which, some fancy to have been, because *Saturn* first taught the *Italians* to coin Money; or, as *Plutarch* conjectures, because in the Golden Age under *Saturn*, all Persons were honest and sincere, and the Names of *Fraud* and *Covetousness* unknown in the World (b.) But perhaps there might be no more in't, than that this Temple was one of the strongest Places in the City, and so the fittest for that use. Here were preserv'd all the Publick Registers and Records, among which were the *Libri Elephantini*, or great Ivory-Tables, containing a List of all the Tribes, and the Schemes of the Publick Accounts.

The other was a square piece of Building (some say of entire Brass) so large as to contain a Statue of *Janus* five foot high; with brazen Gates of each side, which us'd always to be kept open in War, and shut in time of Peace. (c)

But the *Romans* were so continually engag'd in Quarrels, that we find the last Custom but seldom put in practice.

First, all the long Reign of *Numa*, Secondly, *A. U. C. 519.* upon the conclusion of the first *Punic War*. Thirdly, by *Augustus*, *A. U. C. 725.* and twice more by the same Emperor, *A. U. C. 729.* And again about the time of our Saviour's Birth, Then by *Nero*, *A. U. C. 811.* Afterwards by *Vespasian*, *A. U. C. 824.* And lastly, by *Constantius*, when, upon *Magnen-*

(a) *Polletus Hist. Roman. Flori lib. 1 cap. 3.* (b) *Plutarch in Problem.* (c) *Virg. Marlian. Topog. Rom. Antiq. lib. cap. 8.*

ius's death; he was left sole Possessor of the Empire A. D. C. 1105. (a).

Of this custom, *Virgil* gives us a noble Description:

*Sunt geminae Belli portæ, sic nomine dicunt,
 Religionæ sacrae, & sævi formidine Martis:
 Centum ærei claudunt vœctes æternaque ferri
 Robora; nec custas absistit limine Janus,
 Hæc, ubi certa sedet patribus sententia pugnae;
 Ipse, Quirinali trabem cinctuque Gabino
 Insignis, reseat stridentia limina Consul.
 Ipse vocat pugnas. (b)*

Sacred to Mars two stately Gates appear,
 Made awful by the Dread of Arms and War:
 An hundred brazen Bolts from impious Pow'r,
 And everlasting Bars the Dome secure,
 And watchful Janus guards his Temple's Door.
 Here, when the Fathers have ordain'd to try
 The chance of Battel by their fix'd Decree;
 The Consul, rich in his *Gabinian* Gown,
 And Regal Pall, leads the Procession on;
 The sounding Hinges gravely turns about,
 Rouses the imprison'd God, and lets the Furies out.

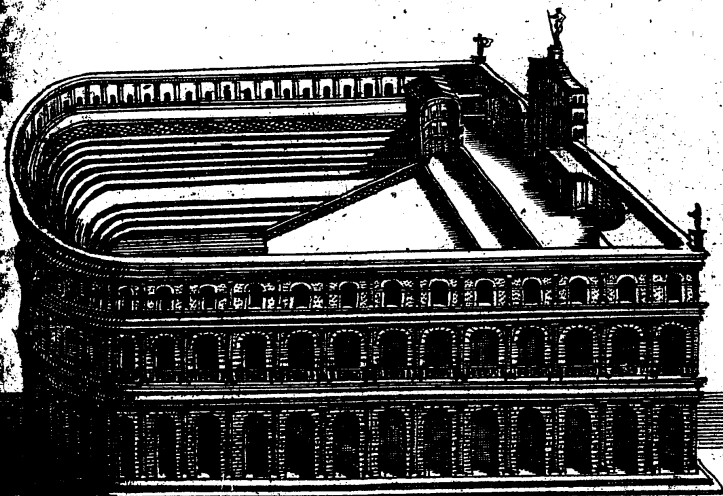
Near the Temple of *Janus* there was a Street which took the same Name, inhabited, for the most part, by Bankers and Usurers. It was very long, and divided by the different manner of *Janus Summus*, *Janus Medius*, and *Janus imus*. The first and the last of these Partitions are mention'd by *Horace*, lib. 1. *Epist.* 1.

— Hæc Janus Summus ab imo Prodocet.

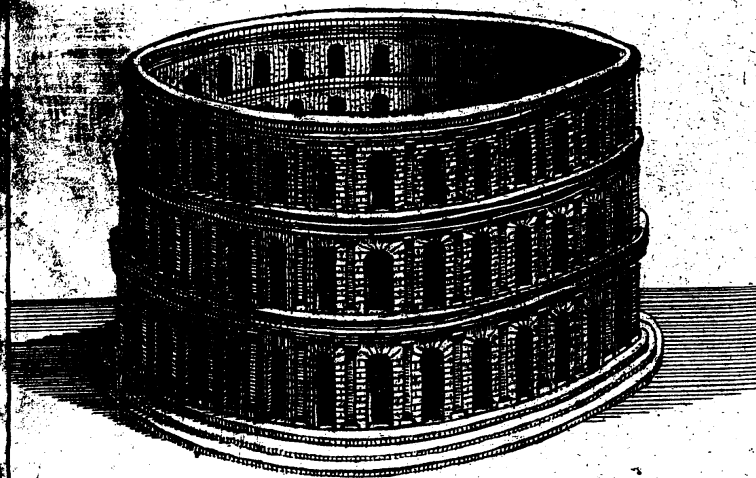
The other, *Tully* speaks of in several places of his Works. (c)
 The Superstition of consecrating Groves and Woods to the Honour of the Deities, was a Practice very usual with the Ancients: For, not to speak of those mention'd in the Holy Scripture, *Pliny* assures us, That Trees in old time serv'd for the Temples of the Gods. *Tacitus* reports this Custom of the old Germans; *Q. Curtius* of the

(a) *Vid. Casaubon. Not. ad Sueton. August. cap. 22. (b) Virg. Æn. 7. (c) Lib. 2. de Offic. Philip. 8. &c.*

THEATRUM CORNELII BALBI GADITANI.



AMPHITHEATRUM CLAUDII.



Part II. of the Roman Empire.

43

Indians, and almost all Writers of the old *Druids*. The *Romans* too were great Admirers of this way of Worship, and therefore had their *Luci* in most parts of the City, generally dedicated to some particular Deity.

The most probable reason that can be given for this practice, is taken from the common Opinion, That Fear was the main Principle of Devotion among the ignorant Heathens. And therefore such darksome and lonely Seats, putting them into a sudden Horror and Dread, made them fancies that there must necessarily something of Divinity inhabit here, which could produce in them such an Awe and Reverence at their Entrance.

CHAP. IV.

Of the Theatres, Amphitheatres, Circo's, Naumachia, Odea, Stadia, and Xysti, and of the Campus Martius.

Theatres, so call'd from the Greek *Sedonai*, to see, owe their Original to *Bacchus*. (a) They were usual in several parts of Greece; and at last, after the same manner as other Institutions, were borrow'd thence by the *Romans*: That the Theatre and Amphitheatre, were two different sorts of *Ædifices*, was never question'd, the former being built in the shape of a Semicircle; the other generally Oval, so as to make the same Figure as if two Theatres should be join'd together (b.) Yet the same place is often call'd by both these Names in several Authors. They seem too, to have been design'd for quite different Ends; the Theatres for Stage-Plays, the Amphitheatres for the greater Shows of Gladiators, wild Beasts, &c. The parts of the Theatre and Amphitheatre, best worth our Observation, by reason of their frequent use in Classics, are as follows:

Scena was a Partition reaching quite cross the Theatre, being either *Versavilis*, or *Duttilis*, either to turn round, or to draw up, for the presenting a new prospect to the Spectators, as *Servius* has observ'd (c.)

Proscenium was the space of ground just before the Scene, where the *Pulpitum* stood, into which the Actors came from behind the Scenes to perform (d.)

(a) Polydor. Virg. de Rei. invent. lib. 3. cap. 13. (b) Ibid. (c) in Georg. 3. (d) Rostin. lib. 5. cap. 6.

The middle part, or *Area*, of the *Amphitheatre*, was call'd *Cavea*, because 'twas considerably lower than the other parts; whence perhaps the Name of *Pit* in our Play-Houses was borrow'd: And *Arena*, because it us'd to be strown with Sand, to hinder the Performers from slipping. *Lipsius* has taken notice, that the whole *Amphitheatre* was often call'd by both these Names. (a) And the *Veronese* still call'd the *Theatre*, which remains almost entire in that City, the *Arena*. (b)

There was a threefold Distinction of the Seats, according to the ordinary division of the People into Senators, Knights, and Commons; the first Range was call'd *Orchestra*; the second, *Equestris*; and the other, *Popularia*. (c)

Theatres in the first Ages of the Common-wealth, were only temporary, and compos'd of Wood, which sometimes tumbled down with a great Destruction, as *Dio* (d) and *Pliny* (e) speak of one particularly. Of these temporary *Theatres*, the most celebrated was that of *M. Scaurus*, mention'd by *Pliny*; (f) the Scenes of which were divided into three Partitions, one above another; the first consisting of 120 Pillars of Marble; the next of the like number of Pillars, curiously wrought in Glass: The top of all had still the same number of Pillars adorn'd with gilded Tablets. Between the Pillars, were set 3000 Statues and Images of Brafs. The *Cavea* would hold 80000 Men. The Structure which *Curio* afterwards rais'd at the Funeral of his Father, tho' inferior to the former in Magnificence, yet was no less remarkable upon account of the admirable Artifice and Contrivance. He built two spacious *Theatres* of Wood, so order'd with Hinges and other Necessaries, as to be able to turn round with very little trouble. These he set at first back to back, for the Celebration of the Stage-Plays, and such-like Diversions, to prevent the Disorder that might otherwise arise by the confusion of the Scenes. Toward the latter end of the Day, pulling down the Scenes, and joining the two Fronts of the *Theatres*, he compos'd an exact *Amphitheatre*, in which he again oblig'd the People with a Show of Gladiators. (g)

Pompey the Great, was the first that undertook the raising of a fix'd *Theatre*, which he built very nobly with square Stone; on which account, *Tacitus* (h) tells us he was severely reprehended for introducing a Custom so different from that of their Fore-fathers, who were contented to see the like Performances, in Seats built only for the present occasion, and in ancient times standing only on

(a) *Lips.* in *Amphitheat.* (b) *Warcup's* History of *Italy.* (c) *Casalius* de *Urb. Rom.* & *Imp.* splendore, lib. 2. cap. 5. (d) *Lib.* 37. (e) *Lib.* 36. cap. 15. (f) *Ibid.* (g) *Ibid.* (h) *Ann.* 14.

the Ground. To this purpose, I can't omit an ingenious Reflection of *Ovid*, upon the Luxury of the Age he liv'd in, by comparing the honest Simplicity of the old *Romans*, with the Vanity and Extravagance of the modern in this particular:

*Tunc neque mamoreo pendebant vela Theatro,
Nec fuerant liquido pulpita rubra croco.
Illic quas tulerant, memorata Palatia, frondes
Simpliciter posita, Scena sine arte fuit.
In gradibus sedit populus de cespite factis,
Qualibet hirsutas fronde tegente comas.* (a)

No Pillars then of *Egypt's* costly Stone,
No Purple Sails hung waving in the Sun.
No Flowers about the scented Seats were thrown,
But Sylvan Bowers and shady Palaces,
Brought by themselves, secur'd them from the Rays.
Thus guarded and refresh'd with humble Green,
Wondering they gaz'd upon the artless Scene:
Their Seats of homely Turf the Crowd would rear,
And cover with green Boughs their more disorder'd Hair.

Juvenal intimates that this good old Custom remain'd still uncorrupted in several parts of *Italy*.

————— ipsa dierum
*Festorum herbofo colitur si quando Theatro
Majestas, tandemq; redit ad pulpita notum
Exodium, cum personæ pallentis hiatum
In gremio matris formidat rusticus infans,
Equales habitus illuc, similemq; videbis
Orchestra & populum* ——— (b)

On *Theatres* of Turf in homely State,
Old Plays they act, old Feasts they celebrate;
The same rude Song returns upon the Crowd,
And by Tradition is for Wit allow'd.
The Mimick yearly gives the same Delights,
And in the Mothers Arms the clownish Infant frights.
Their Habits (undistinguish'd by Degree)
Are plain, alike; the same Simplicity
Both on the Stage, and in the Pit you see. *

[* *Mr. Dryden.*]

(a) *Ovid* de *Arte Amandi.* (b) *Juv.* Sat. 3.

Some Remains of this Theatre of Pompey, are still to be seen at Rome, as also of those other of Marcellus, Statilius Taurus, Tiberius, and Titus the second being almost entire. (a)

The *Circo's* were places set apart for the Celebration of several sorts of Games, which we will speak of hereafter. They were generally oblong, or almost in the shape of a Bow, (b) having a Wall quite round, (c) with Ranges of Seats for the convenience of the Spectators. At the entrance of the *Circus* stood the *Carceres*, or Lifts, whence they started; and just by them, one of the *Metae*, or Marks; the other standing at the farther end, to conclude the Race.

There were several of these *Circi* in Rome, as those of *Flaminius*, *Nero*, *Caracalla*, and *Severus*: But the most remarkable, as the very Name imports, was the *Circus Maximus*, first built by *Tarquinius Priscus*. (d) The length of it was four *Stadia*, or Furlongs, the breadth the like number of Acres; with a Trench of ten foot deep, and as many broad, to receive the Water; and Seats enough for a Hundred and Fifty Thousand Men. (e) It was extremely beautified and adorn'd by succeeding Princes, particularly by *Julius Caesar*, *Augustus*, *Caligula*, *Domitian*, *Trajan*, and *Heliogabalus*; and enlarg'd to such a prodigious extent, as to be able to contain in their proper Seats, two hundred and sixty thousand Spectators. (f)

The *Naumachie*, or Places for the Shows of Sea-Engagements, are no where particularly describ'd; but we may suppose them to be very little different from the *Circo's* and *Amphitheatres*, since those sort of Shows for which they were design'd, were often exhibited in the fore-mention'd places. (g)

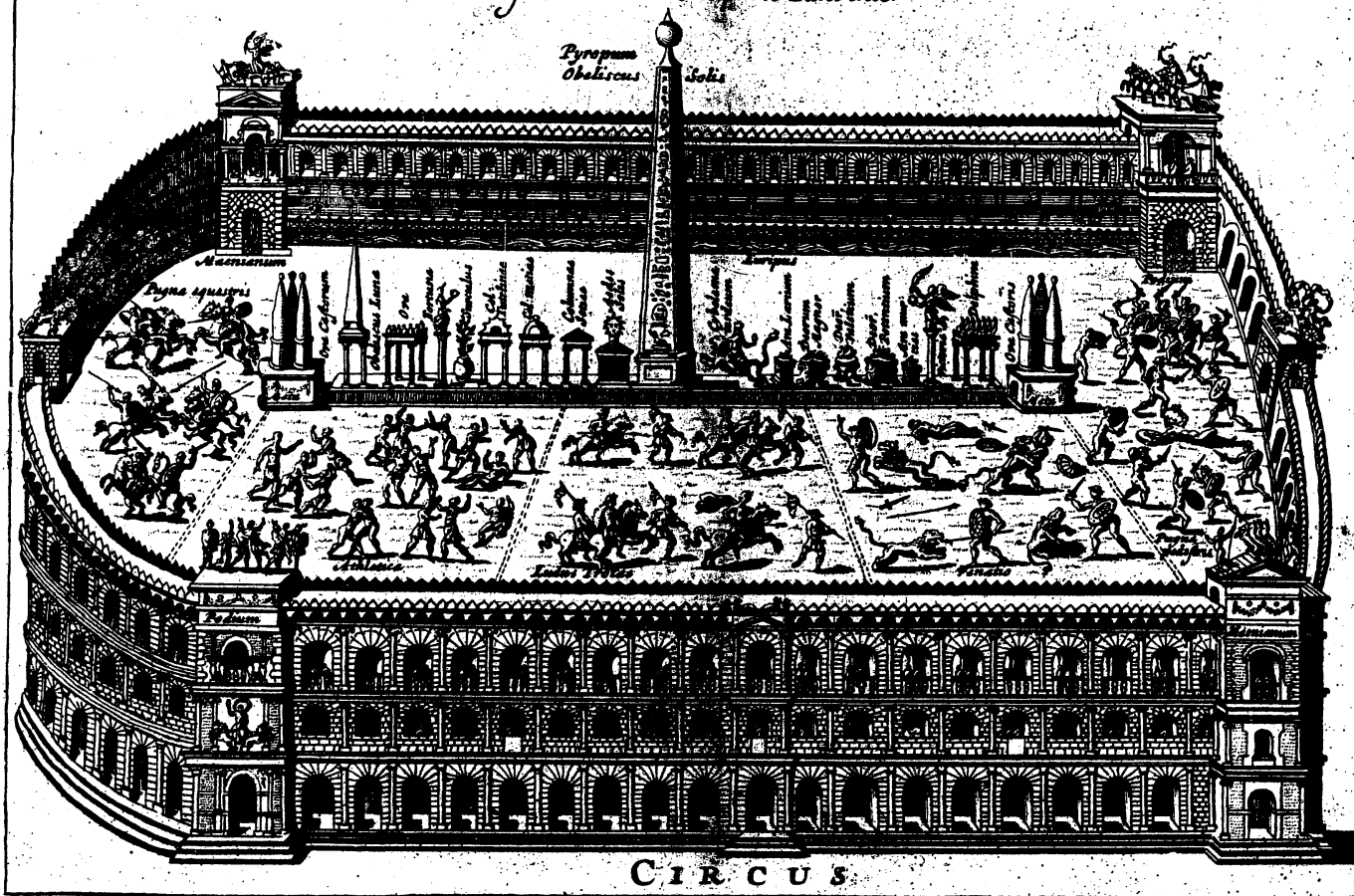
Odeum was a publick Edifice, much after the manner of a Theatre, (h) where the Musicians and Actors privately exercis'd before their Appearance on the Stage. (i) *Plutarch* has describ'd one of their *Odeums* at Athens, whence to be sure the Romans took the hint of theirs in the following Words: For the contrivance of it, on the inside it was full of Seats and Ranges of Pillars; and on the outside, the Roof or Covering of it, was made from one point at top, with a great many Bendings, all shelving downward, in imitation of the King of Persia's Pavillion. (k)

The *Stadia* were places in the form of *Circo's*, for the Running of Men and Horses. (l) A very noble one *Suetonius* (m) tells us was built by *Domitian*.

(a) Fabric. Rom. cap. 12. (b) Martián. Topog. Rom. Ant. lib. 4. cap. 10. (c) Polydor. Virg. de Rer. invent. lib. 2. cap. 14. (d) Lévy & Dionys. Halic. (e) Dionys. lib. 3. (f) Plin. lib. 36. (g) Martián. Topog. Rom. Ant. lib. 4. cap. 13. (h) Fabric. Rom. cap. 12. (i) Rosin. lib. 5. cap. 4. (k) In Pericle. (l) Fabric. Rom. cap. 12. (m) Id. Domitian.

CIRCI ET QUINQUE LUDICRORUM CIRCENSIVM.
Deformatio ex Onuphrio Panvinio.

Fol. 46.



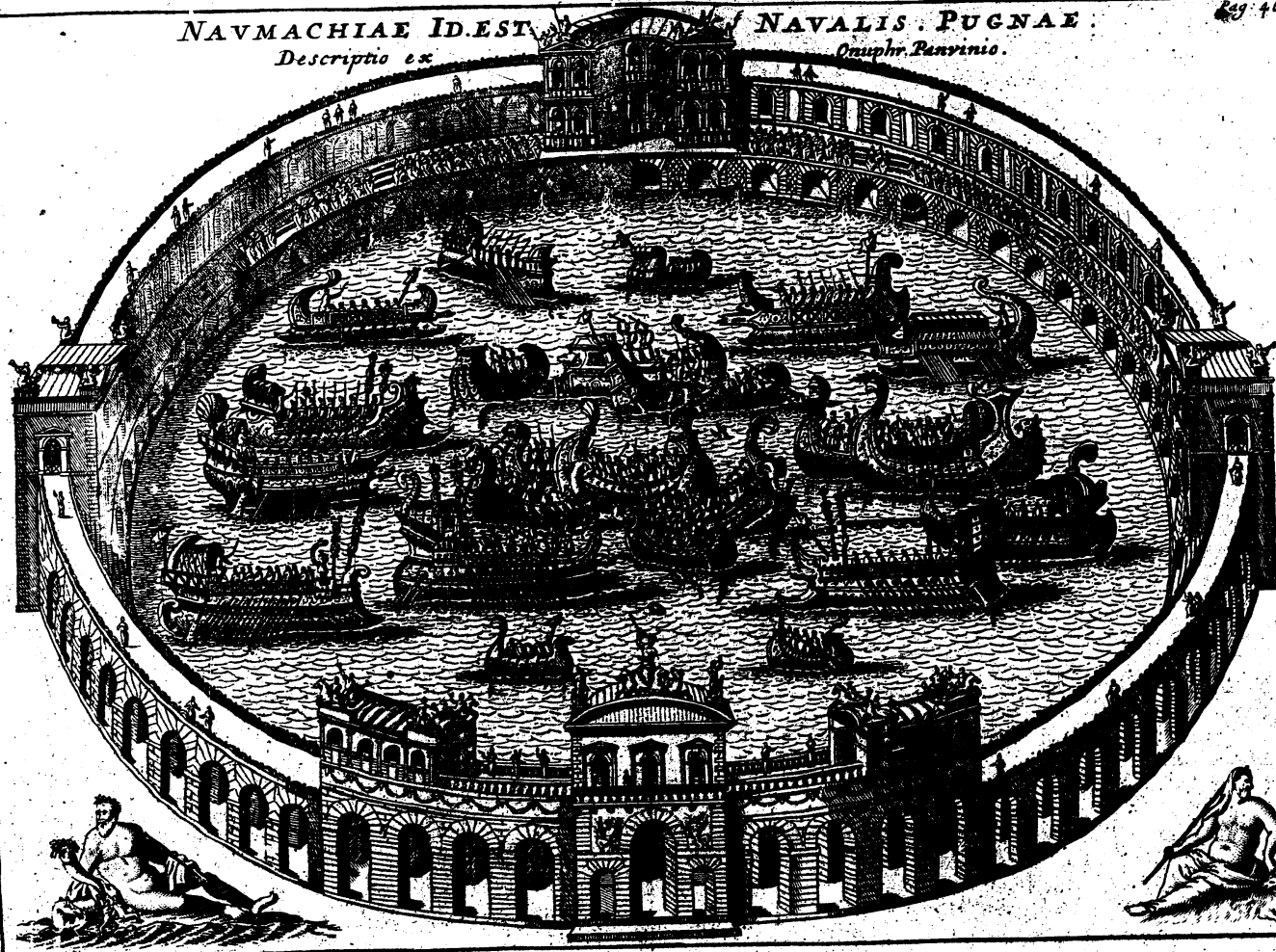
NAVMACHIAE ID. EST.

Descriptio ex

NAVALIS PUGNAE.

Onuphr. Panvinio.

Fig. 46



The *Xysti* were places built after the fashion of the *Portico's* for the Wrestlers to exercise in. (a)

The *Campus Martius*, famous on so many accounts, was a large plain Field, lying near the *Tiber*, whence we find it sometimes under the Name of *Tiberinus*. It was call'd *Martius*, because it had been consecrated by the old *Romans* to the God *Mars*.

Besides the pleasant Situation, and other natural Ornaments, the continual Sports and Exercises perform'd here, made it one of the most diverting Sights near the City. For,

Here the young Noblemen practis'd all manner of Feats of Activity; learn'd the use of all sorts of Arms and Weapons. Here the Races, either with Chariots or single Horses, were undertaken. Besides this, 'twas nobly adorn'd with the Statues of famous Men, and with Arches, Columns and Portico's, and other magnificent Structures. Here stood the the *Villa Publica*, or Palace for the Reception and Entertainment of Ambassadors from Foreign States, who were not allow'd to enter the City. Several of the publick *Comitia* were held in this Field; and for that purpose were the *Septa*, or *Ovilia*, but, an Appartment enclos'd with Rails, where the *Tribes* or *Centuries*, went in one by one to give their Votes. *Cicero*, in one of his Epistles to *Atticus*, intimates a noble Design he had to make the *Septa* of Marble, and to cover them with a high Roof, with the Addition of a stately *Portico*, or *Piazza*, all round. But we hear no more of this Project, and therefore may reasonably suppose, he was disappointed by the Civil Wars which broke out presently after.

CHAP. V.

Of the *Curia*, *Senacula*, *Basilica*, *Fora*, and *Comitium*.

THE *Roman Curia* (as it signifies a Publick Ædifice) was of two sorts, Divine and Civil: In the former, the Priests and Religious Orders met for the Regulation of the Rights and Ceremonies belonging to the Worship of the Gods: In the other, the Senate us'd to Assemble, to consult about the Publick Concerns of the Common-wealth. (b) The Senate could not meet in such a

(a) *Fabrie. Rom. cap. 12.* (b) *Alex. ab. Alex. lib. 3. cap. 16.*

Curia, unless it had been solemnly consecrated by the *Augurs* (a) and made of the same nature as a Temple. Sometimes (at least) the *Curia* were no distinct Building, but only a Room or Hall in some publick place; as particularly *Livy* (b) and *Pliny* (c) speak of a *Curia* in the *Comitium*, tho' that it self were no entire Structure. The most celebrated *Curia* were,

Curia Hostilia, built by *Tullus Hostilius*, as *Livy* (d) informs us, And,

Curia Pompeii, where the Senate assembled for the effecting the Death of *Julius Caesar*. (e)

Senaculum is sometimes the same as *Curia*: (f) To be sure it could be no other than a Meeting-place for the Senate, the same as the *Grecians* call'd *βουλευτήριον*. *Sext. Pomp. Festus* (g) tells us of three *Senacula*; two within the City-Walls for ordinary Consultations; and one without the limits of the City, where the Senate assembled to give Audience to those Ambassadors of Foreign States, whom they were unwilling to honour with an admission into the City.

Lampridius (h) informs us, that the Emperor *Heliogabalus* built a *Senaculum* purposely for the use of the Women, where, upon high Days, a Council of Grave Matrons were to keep Court.

The *Basilicae* were very spacious and beautiful *Ædifices*, design'd chiefly for the *Centumviri*, or the Judges to sit in and hear Causes, and for the Counsellours to receive Clients. The Bankers too, had one part of it allotted for their Residence. (i) *Vossius* (k) has observ'd, that these *Basilicae* were exactly in the shape of our Churches, oblong almost like a Ship; which was the reason that upon the ruin of many of them, Christian Churches were several times rais'd on the old Foundations. And very often a whole *Basilica* converted to such a Pious use. And hence perhaps all our great Domo's or Cathedrals, are still call'd *Basilicae*.

The *Roman Forums* were publick Buildings, about three times as long as they were broad. All the compass of the *Forum* was surrounded with Arch'd Portico's, only some passages being left for places of entrance. They generally contriv'd to have the most stately *Ædifices* all round them, as *Temples*, *Theatres*, *Basilicae*, &c. (l)

(a) *A. Gell. lib. 14. c. 7.* (b) *Lib. 1.* (c) *Lib. —* (d) *Lib. 1.* (e) *Sueton. in Jul. Caf. c. 80.* (f) *Marlian. Topog. Ant. Rom. lib. 3. c. 27.* (g) *In voce Senaculum.* (h) *In vit. Heliogab.* (i) *Rosin. Ant. lib. 9. c. 7.* (k) *In voce Basilicæ.* (l) *Lips. de Mag. Rom.*

They were of two sorts; *Fora Civilia*, and *Fora Veneralia*: The first were design'd for the Ornament of the City; and for the use of publick Courts of Justice; the others were intended for no other end but the Necessities, and Convenience of the Inhabitants, and were no doubt equivalent to our Markets. I believe *Lipsius*, in the description that has been given above, means only the former. Of these there were Five very considerable in Rome:

Forum Romanum, built by *Romulus*, and adorn'd with Portico's on all sides by *Tarquinius Priscus*. It was call'd *Forum Romanum*, or simply *Forum*, by way of eminence, on account of its Antiquity, and of the most frequent use of it in publick Affairs. *Martial* (a) and *Statius* (b) for the same reason give it the Name of *Forum Latium*; *Ovid* the same; (c) and *Forum Magnum*; (d) and *Herodian* (e) calls it *ἀρχαῖον ἀγορὴν*, *Forum vetus*.

Statius the Poet (f) has given an accurate description of the *Forum*, in his Poem upon the Statue of *Domitian*, on Horse-back, set up here by that Emperour.

Forum Julium built by *Julius Caesar*, with the Spoils taken in the Gallick War, The very *Aeneas*, *Suetonius* (g) tells us, cost 100,000 Sesterces; and *Dio* (h) affirms it to have much exceeded the *Forum Romanum*.

Forum Augusti, built by *Augustus Caesar*, and reckon'd by *Pliny* among the Wonders of the City. The most remarkable Curiosity was the Statues in the two Portico's, on each side of the main Building. In one, all the Latin Kings, beginning with *Aeneas*; in the other, all the Kings of Rome, beginning with *Romulus*, and most of the eminent Persons in the Common-wealth, and himself among the rest; with an Inscription upon the Pedestal of every Statue, expressing the chief Actions and Exploits of the Person it represented. (i)

This *Forum*, as *Spartian* (k) informs us, was restor'd by the Emperour *Hadrian*.

Forum Nervæ, begun by *Domitian*, as *Suetonius* (l) relates; but finish'd and nam'd by the Emperour *Nervæ*. In this *Forum*, *Alexander Severus* set up the Statues of all the Emperours that had been Canoniz'd, (m) in imitation of the Contrivance of *Augustus*, mention'd but now. This *Forum* was call'd *Transitorium*, because it lay very convenient for a passage to the other three; and *Palladium*, from the Statue of *Minerva*,

(a) *Epig. lib. 2.* (b) *Sylvæ lib. 1. cap. 1.* (c) *Fast. 4.* (d) *Fast. 3.* (e) *In vit. M. Antonin.* (f) *Sylbo. lib. 1. car. 1.* (g) *In Jul. Caf. cap. 26.* (h) *Dio. lib. 43.* (i) *Lips. de Magnitud. Rom.* (k) *In vit. Hadrian.* (l) *In Domit. cap. 5.* (m) *Spartian. in Severo.*

the Tutelar Deity of *Augustus*; (a) upon which account perhaps *Fabricius* (b) attributes the Name of *Palladium* to the Forum of that Emperour.

There's scarce any thing remaining of this Forum, except an old decay'd Arch, which the People by a strange Corruption, instead of *Nerva's* Arch, call *Noah's* Ark. (c)

But the most celebrated for the admirable Structure and Contrivance, was the *Forum Trajani*, built by the Emperour *Trajan*, with the foreign Spoils he had took in the Wars. The Covering of this Edifice was all Brass, the Portico's exceedingly beautiful and magnificent, with Pillars of more than ordinary height, and Chapiters of excessive bigness. (d)

Ammianus Marcellinus, in the description of *Constantius* his Triumphal Entrance into *Rome*, when he has brought him with no ordinary admiration by the Baths, the *Pantheon*, the *Capitol*, and other noble Structures, as soon as ever he gives him a sight of this Forum of *Trajan*, he puts him into an ecstasie, and can't forbear making an Harangue upon the matter. (e) We meet in the same place with a very smart Repartee which *Constantius* receiv'd at this time from *Ormisdas*, a *Persian* Prince. The Emperour, as he strangely admir'd every thing belonging to this noble Pile; so he had a particular Fancy for the Statue of *Trajan's* Horse, which stood on the top of the Building, and express'd his Desire of doing as much for his own Beast: *Pray, Sir*, (saies the Prince) *before you talk of getting such a Horse, will you be pleas'd to build such a Stable to put him in.* (f)

The chief *Fora Venalia*, or Markets, were,
Bovarium, for Oxen and Beef.

Propertius (g) has a pretty fancy about this Forum, that it took its name from *Hercules's* Oxen, which he brought from *Spain*, and rescu'd them here, after they had been Stolen by *Cacus*.

Suarium, for Swine.

Pistorium, for Bread.

Cupedinarium, for Dainties.

Holitorium, for Roots, Sallets, and such-like.

The *Comitium* was only a part of the *Forum Romanum*, which serv'd sometimes for the Celebration of the *Comitia*, which will be describ'd hereafter.

In this part of the Forum stood the *Rostra*, being a *Suggestum*, or sort of Pulpit adorn'd with the Beaks of Ships, taken in a Sea-

(a) *Epist. in Magn. Rom.* (b) *Roma*, cap. 7. (c) *Marlian. lib. 3. cap. 14.* (d) *Idem lib. cap. 13.* (e) *Ammian. Marcellin. Hist. lib. 16.* (f) *Ibid. (g) lib. 4. Ep. 10. ver. 20.*

Fight

Fight from the Inhabitants of *Antium* in *Italy*, as *Livy* informs us (a) In this the Causes were pleaded, the Orations made, and the Funeral Panegyricks spoke by Persons at the Death of their Relations; which pious Action they term'd *Defuncti pro nostris Laudatio*.

Hard by, was fix'd the *Puteal*, of which we have several, and very different accounts from the Criticks; but none more probable than the Opinion of the ingenious Monsieur *Dacier* (b) which he delivers to this purpose.

The *Romans*, whenever a Thunder-bolt fell upon a place without a Roof, took care, out of Superstition, to have a sort of Cover built over it, which they properly call *Puteal*. This had the Name of *Puteal Libonis*, and *Scribonium Puteal*, because *Scribonius Libo*, erected it by order of the Senate. The *Prætor's* Tribunal standing just by, is often signified in Authors by the same Expression.

(a) *Lib. 8.* (b) *Dacier*, Not. on *Horace*, Sat. lib. 2. Sat. 6. vers. 35.

CHAP. VI.

Of the Portico's, Arches, Columns, and Trophies.

IN Accounts of the eminent Buildings of the City, the PORTICO's have ever had an honourable place. They were Structures of curious Work and extraordinary Beauty annex'd to publick Edifices, Sacred or Civil, as well for Ornament as use. They generally took their Names either from the Temples that they stood near, as *Porticus Concordiæ*, *Quirini*, *Herculis*, &c. Or, from the Authors, as *Porticus Pompeia*, *Octavia*, *Livia*, &c. Or, from the nature and form of the Building, as *Porticus curva*, *stadiata*, *prophætica*, Or, from the Shops that were kept in them, or *Margaritaria*, and *Argentaria*: Or, from the remarkable painting in them, as *Porticus Iſidis*, *Europa*, &c. Or else from the places to which they joyn'd, as *Porticus Amphitheatrici*, *Porticus Circi*, &c. (a)

These Portico's were sometimes put to very serious use; serving for the Assemblies of the Senate on several accounts. Sometimes the Jewellers, and such as dealt in the most precious Wares, took up here their Standing to expose their Goods to sale; But the general use that they were put to, was the pleasure of walking or riding in them; in the shade in summer, and in win-

(a) *Fabricii Roma*, cap. 13.

ter in the dry; like the present *Piazza's* in *Italy*, *Velleius Paterlus*, (a) when he deplores the extreme corruption of Manners that had crept into *Rome* upon the happy conclusion of the *Carthaginian* War, mentions particularly the vanity of the Noblemen, in endeavouring to out-shine one another in the magnificence of their Portico's, as a great instance of their extravagant Luxury.

And *Juvenal* in his Seventh Satyr complains :

*Balnea Sexcentis, & pluris Porticus, in quâ
Gestatur Dominus quoties pluit : Anne serenum
Expectet, spargatque, luto jumenta recenti ?
Hic potius, namq; hic munda nitet ungula mula.*

On sumptuous Baths the Rich their Wealth bestow,
Or some expensive, airy Portico;
Where safe from Showers they may be born in State;
And, free from Tempests, for fair Weather wait:
Or rather not expect the clearing Sun.
Thro' thick and thin their Equipage must run:
Or staying, 'tis not for their Servant's sake,
But that their Mules no prejudice may take.

Mr. Charles Dryden.

ARCHES were publick Buildings, design'd for the reward and encouragement of noble Enterprizes, erected generally to the Honour of such eminent Persons as had either won a Victory of extraordinary consequence abroad, or had rescu'd the Commonwealth at home from any considerable danger. At first they were plain and rude Structures, by no means remarkable for Beauty or State. But in latter times no Expences were thought too great for the rendering them in the highest manner splendid and magnificent: Nothing being more usual than to have the greatest Actions of the Heroes they stood to Honour, curiously express'd, or the whole Procession of the Triumph cut out on the sides. The Arches built by *Romulus* were only of Brick; that of *Camillus* of plain square Stone; but then those of *Cæsar*, *Drusus*, *Titus*, *Trajan*, *Gordian*, &c. were all entirely Marble. (b)

As to their Figure, they were at first semicircular, whence probably they took their Names. Afterwards they were built

(a) *Lib. 2. cap. 1.* (b) *Fabritii Roma, cap. 14.*

four-

our-square, with a spacious arched Gate in the middle, and little ones on each side. Upon the vaulted part of the middle Gate, hung little winged Images, representing Victory, with Crowns in their Hands, which when they were let down, they put upon the Conqueror's Head as he pass'd under in Triumph. (a)

The COLUMNS or Pillars were none of the meanest Beauties of the City: They were at last converted to the same design as the Arches, for the honourable memorial of some noble Victory or Exploit, after they had been a long time in use for the chief Ornaments of the Sepulchres of great Men; as may be gathered from *Homer*, *Iliad* 16. where *Juno*, when she's foretelling the Death of *Sarpedon*; and speaking at last of carrying him into his own Country to be Buried, has these Words :

Ἐνθά ἐταρξέσων καὶ φίλοι τε, καὶ
Τύμβῳ τε σῆμα τε, τὸ γὰρ γέρας ἔστι θανάτων.

There shall his Brothers and sad Friends receive
The breathless Corps, and bear it to the Grave.
A Pillar shall be rear'd, a Tomb be laid,
The noblest Honour that rewards the dead.

The Pillars of the Emperours *Trajan* and *Antoninus*, have been extremely admir'd for their Beauty and curious Work; and therefore deserve a particular description.

The former was set up in the middle of *Trajan's Forum*, being compos'd of Four and twenty great Stones of Marble, but so curiously cemented, as to seem one entire natural Stone. The height was 144 Foot according to *Eutropius*; (b) tho' *Marlian* (c) seems to make them but 128: Yet they are easily reconcil'd, if we suppose one of them to have begun the Measure from the Pillar itself, and the other from the Basis. It is ascended on the inside by 185 winding Stairs, and has Forty little Windows for the admission of the Light. The whole Pillar is incrust'd with Marble; in which are express'd all the noble Actions of the Emperour, and particularly the *Dacian* War. One may see all over the several Figures of Forts, Bulwarks, Bridges, Ships, &c. and all manner of Arms, as Shields, Helmets, Targets, Swords, Spears, Daggers, Belts, &c. together with the several Offices and Employments of the Soldiers, Some digging Trenches, some measuring out a place for the Tents, and others making a Tri-

(a) *Fabritii Roma, cap. 14.* (b) *Hist. lib. 8.* (c) *Lib. 3. cap. 13.*

ter in the dry; like the present *Piazza's* in Italy, *Velleius Paterculus*, (a) when he deplores the extreme corruption of Manners that had crept into *Rome* upon the happy conclusion of the *Carthaginian War*, mentions particularly the vanity of the Noblemen, in endeavouring to out-shine one another in the magnificence of their Portico's, as a great instance of their extravagant Luxury.

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But that their Mules no prejudice may take.

Mr. Charles Dryden.

ARCHES were publick Buildings, design'd for the reward and encouragement of noble Enterprizes, erected generally to the Honour of such eminent Persons as had either won a Victory of extraordinary consequence abroad, or had rescu'd the Commonwealth at home from any considerable danger. At first they were plain and rude Structures, by no means remarkable for Beauty or State. But in latter times no Expences were thought too great for the rendering them in the highest manner splendid and magnificent: Nothing being more usual than to have the greatest Actions of the Heroes they stood to Honour, curiously express'd, or the whole Procession of the Triumph cut out on the sides. The Arches built by *Romulus* were only of Brick; that of *Camillus* of plain square Stone; but then those of *Cæsar*, *Drusus*, *Titus*, *Trajan*, *Gordian*, &c. were all entirely Marble. (b)

As to their Figure, they were at first semicircular, whence probably they took their Names. Afterwards they were built

(a) *Lib. 2. cap. 1.* (b) *Fabrizii Roma, cap. 14.*

four-

our-square, with a spacious arched Gate in the middle, and little ones on each side. Upon the vaulted part of the middle Gate, hung little winged Images, representing Victory, with Crowns in their Hands, which when they were let down, they put upon the Conqueror's Head as he pass'd under in Triumph. (a)

The COLUMNS or Pillars were none of the meanest Beauties of the City: They were at last converted to the same design as the Arches, for the honourable memorial of some noble Victory or Exploit, after they had been a long time in use for the chief Ornaments of the Sepulchres of great Men; as may be gathered from *Homer*, *Iliad* 16. where *Juno*, when she's foretelling the Death of *Sarpedon*; and speaking at last of carrying him into his own Country to be Buried, has these Words:

Ἐν δὲ ἐπαρχέουσιν υἱοῖσιν αὖτε, ἔθ' τε,
τύμβῳ τε στήλῃ τε, τὸ γὰρ γέγρεται δαμόντων.

There shall his Brothers and sad Friends receive
The breathless Corps, and bear it to the Grave.
A Pillar shall be rear'd, a Tomb be laid,
The noblest Honour that rewards the dead.

The Pillars of the Emperours *Trajan* and *Antoninus*, have been extremely admir'd for their Beauty and curious Work; and therefore deserve a particular description.

The former was set up in the middle of *Trajan's Forum*, being compos'd of Four and twenty great Stones of Marble, but so curiously cemented, as to seem one entire natural Stone. The height was 144 Foot according to *Eutropius*; (b) tho' *Marlian* (c) seems to make them but 128: Yet they are easily reconcil'd, if we suppose one of them to have begun the Measure from the Pillar it self, and the other from the Basis. It is ascended on the inside by 185 winding Stairs, and has Forty little Windows for the admission of the Light. The whole Pillar is incrusted with Marble; in which are express'd all the noble Actions of the Emperour, and particularly the *Dacian War*. One may see all over the several Figures of Forts, Bulwarks, Bridges, Ships, &c. and all manner of Arms, as Shields, Helmers, Targets, Swords, Spears, Daggers, Belts, &c. together with the several Offices and Employments of the Soldiers, Some digging Trenches, some measuring out a place for the Tents, and others making a Tri-

(a) *Fabrizii Roma, cap. 14.* (b) *Hist. lib. 8.* (c) *Lib. 3. cap. 13.*

E 3

umphal

umphant Procession. (a) But the noblest Ornament of this Pillar, was the Statue of *Trajan* on the top, of a Gigantick bigness; being no less than Twenty Foot high. He was represented in a Coat of Armour proper to the General, holding in his Left Hand a Scepter, in his Right a hollow Globe of Gold, in which his own Ashes were deposited after his Death. (b)

The Column of *Antoninus* was rais'd in imitation of this, which it exceeded only in one respect, that 'twas 176 Foot high: (c) For the Work was much inferior to the former, as being undertaken in the declining Age of the Empire. The ascent on the inside was by 106 Stairs, and the Windows in the sides 56. The Sculpture and other Ornaments were of the same Nature as those of the first: And on the top stood a *Colossus* of the Emperor naked, as appears from some of his Coins. (d)

Both these Columns are still standing at *Rome*; the former most entire. But Pope *Sixtus* the First, instead of the Two Statues of the Emperours, set up *St. Peter's* on the Column of *Trajan*, and *St. Paul's* on that of *Antoninus*. (e)

Among the Columns we must not pass by the *Miliarium aureum*, a gilded Pillar in the Forum, Erected by *Augustus Caesar*, at which all the High-ways of *Italy* met, and were concluded. (f) From this they counted their Miles, at the end of every Mile setting upon a Stone; whence came the Phrase of *Primus ab Urbe lapsus*, and the like. This Pillar, as *Mr. Laffels* inform's us, is still to be seen.

Nor must we forget the *Columna Bellica*, thus describ'd by *Ovid*.

*Prospicit à tergo summum brevis area circum,
Est ibi non parva parva columna nota:
Hinc solet hasta manu belli prænuncia mitti
In regem & gentem, cum placet arma capi.* (g)

Behind the *Circus* on the level Ground
Stands a small Pillar, for its use renown'd:
Hence 'tis our Herald throws the fatal Spear,
Denotes the Quarrel, and begins the War.

But those who admire Antiquity, will think all these inferior to the *Columna Rostrata*, set up to the honour of *C. Duilius*, when he had gain'd so famous a Victory over the *Carthaginian* and *Sicilian* Fleets, A. U. C. 493, and adorn'd with the Beaks of the Vessels, taken in the Engagement. This is still to be seen in *Rome*, and never fail's of a Visit from any curious Stranger. The Inscription

(a) *Fabricius*, cap. 7. (b) *Cassius*, par. 1. cap. 11. (c) *Marlian*, lib. 6. cap. 13. (d) *Ibid.* (e) *Cassius*, par. 1. cap. 11. (f) *Marlian*, lib. 3. cap. 18. (g) *Ovid*, *Fast.* 6. tion

on the Basis is a noble Example of the old way of writing in the early times of the Common-wealth. Besides this ancient and most celebrated one, there were several other *Columnæ rostratæ* Erected on like occasions; as particularly four by *Augustus Caesar* after the *Ælian* Defeat of *Antony*: To these *Virgil* alludes in his ——— *Navali Surgentes ære Columnas.* (a)

The design of the Trophies is too well known to need any explication: The shape of them cannot be better understood than by the following Description of the Poet.

*Ingentem quercum decisis undiq; ramis
Constituit tumulo: fulgentiaq; induit arma,
Mezentis ducis exuvias; tibi magne trophæum
Bellipotens: aptat vorantes sanguine cristas,
Telasq; trunca viri, & bis sex thoraca peritum
Perfossamq; locis: clypeumq; ex ære sinistra
Subligat, atq; enssem collo suspendit eburnum.* (b)

And first he lopp'd an Oak's great Branches round,
The Trunk he fasten'd in a rising Ground:
And here he fix'd the shining Armour on,
The mighty Spoil from proud *Mezentius* won.
Above the Crest was plac'd, that dropt with Blood,
A grateful Trophy to the warlike God;
His shatter'd Spears stuck round: The Corslet too,
Pierc'd in Twelve places hung deform'd below.
While the Left Side his massy Target bears,
The Neck the glittering Blade he brandish'd in the Wars.

Of those Trophies which *Marius* rais'd after the *Cimbric* War, still remaining at *Rome*, we have this account in *Fabricius*: They are Two Trunks of Marble hung round with Spoils: One of them is cover'd with a scaly Corslet, with Shields and other Military Ornaments: Just before it, is set a young Man in the posture of a Captive with his Hands tyed behind him, and all round, are winged Images of Victory. The other is set out with the common Military Garb, having a Shield of an unequal round, and Two Helmets, one open and adorn'd with Crests, the other close without Crests. On the same Trophy is the Shape of a Soldier's Coat, with several other designs, which by reason of the decay of the Marble, are very difficult to be discover'd. (c)

(a) *Georg.* 3. (b) *Virg. Æneid.* 11. (c) *Fabricius*, cap. 14.

C H A P. VII.

Of the Bagnio's, Aquæducts, Cloacæ, and Publick Ways.

THERE cannot be a greater instance of the Magnificence, or rather Luxury of the Romans, than their noble Bagnio's. *Ammianus Marcellinus* observes, (a) that they were built in *modum Provinciarum*, as large as Provinces: But the great *Valeſius* (b) judges the Word *Provinciarum* to be a Corruption of *Piscinarum*. And tho' this Emendation does in some measure extenuate one part of Vanity, which has been so often alledg'd against them, from the Authority of that Passage of the Historian; yet the prodigious Accounts that we have of their Ornaments and Furniture, will bring them perhaps under a Censure no less favourable than the former. *Seneca*, speaking of the Luxury of his Countrymen in this respect, complains, That they were arriv'd to such a pitch of niceness and delicacy, as to scorn to set their Feet on any thing but precious Stones. (c) And *Pliny* wishes good old *Fabrizius* were but alive to see the degeneracy of his Posterity, when the very Women must have their Seats in the Baths of solid Silver. (d) But a description from a Poet, may perhaps be more diverting; and his *Statius* has oblig'd us with in this Poem upon the Baths of *Claudius Eruscus*, Steward to the Emperour *Claudius*.

*Nil ibi plebeium: nusquam Temesea videbis
Æra, sed Argento felix propellitur unda,
Argentoq; cadit, labrisq; nitentibus instat
Delicias mirata suas, & abire recusat.*

Nothing there's vulgar; no *Temesean* Brass
In all the glittering Structure claims a place.
From Silver-Pipes the happy Waters flow,
In Silver-Cisterns are receiv'd below.

(a) *Amianian Murca. lib. 16.* (b) *Notæ ad Lucan.* (c) *Epist. 86.* (d) *Lib. 33 cap. 12.*

See where with noble Pride the doubtful Stream
Stands fix'd in wonder on the shining Brim;
Surveys its Riches. and admires its State;
Loth to be ravish'd from the glorious Seat!

The most remarkable Bagnio's were those of the Emperours *Dioclesian* and *Antoninus Caracalla*; great part of which are standing at this time, and with the vast high Arches, the beautiful and stately Pillars, the extraordinary Plenty of foreign Marble, the curious vaulting of the Roofs, the prodigious number of spacious Apartments, and a Thousand other Ornaments and Conveniences, are as pleasing a Sight to a Traveller as any other Antiquities in *Rome*.

The *Aquæducts* were, without question, some of the noblest Designs of the old Romans: *Sextus Julius Frontinus* a Roman Author, and a Person of Consular Dignity, who has compil'd a whole Treatise on this Subject, affirms them to be the clearest Token of the Grandeur of the Empire. The first invention of them is attributed to *Appius Claudius*, A. U. C. 441, who brought Water into the City by a Chanel of Eleven Miles in length. But this was very inconsiderable to those that were afterwards carried on by the Emperours and other Persons; several of which were cut thro' the Mountains, and all other Impediments for above Forty Miles together; and of such an height, that a Man on Horseback, as *Procopius* informs us, might ride thro' them without the least difficulty. (a) But this is meant only of the constant course of the Chanel; for the Vaults and Arches, were in some places 109 Foot high. (b) *Procopius* (c) makes the *Aquæducts* but Fourteen: *Victor* (d) has enlarg'd the number to Twenty: In the Names of them the Waters only were mention'd; as *Aqua Claudia*, *Aqua Appia*, &c.

The noble Poet *Rutilius* thus touches on the *Aquæducts*, in his ingenious Itinerary.

*Quid loquar aerio pendentes fornice rivos
Quà vix imbriferas tolleret Iris aquas?
Hos potius dicas crevisse in sidera montes,
Tale Giganteum Græcia laudat opus.* (e)

(a) *Procopius. de bell. Goth. lib. 1.* (b) *Sext. Jul. Frontin.* (c) *De bell. Goth. lib. 1.* (d) *Descript. Urb. Region.* (e) *Rutil. Itinerar. lib. 1.*

What, should I sing how lofty Waters flow
 From airy Vault, and leave the Rain below,
 While conquer'd *Iris* yields with her unequal Bow?
 Bold *Typhon* here had spar'd his pains as well,
 And scal'd *Jove's* Walls from any single Hill.

But that which *Pliny* calls *opus omnium maximum*, were the *Cloaca*, or common Gutters for the conveyance of Dirt and Filth. And because no Authority can be better than his, we may venture to borrow the whole account of them from the same place, *Cloaca opus omnium maximum. &c.*

'The *Cloaca*, the greatest of all the Works, he contriv'd 'by undermining and cutting thro' the Seven Hills upon which 'Rome is seated, making the City hang, as it were, between Heaven and Earth, and capable of being sail'd under, *M. Agrippa* 'in his *Ædileship*, made no less than Seven Streams meet together under-ground in one main Channel, with such a rapid 'Current, as to carry all before them that they met with in their 'passage. Sometimes, when they are violently swell'd with immoderate Rains, they beat with excessive Fury against the Paving 'at the bottom, and on the sides, Sometimes in a Flood, 'the *Tiber* Waters oppose them in their Course; and then the 'Two Streams encounter with all the Fury imaginable; and 'yet the Works preserve their old strength, without any sensible damage. Sometimes huge pieces of Stone and Timber, or such 'like Materials, are carried down the Chanel, and yet the Fabric receives no Detriment. Sometimes the Ruins of whole 'Buildings destroy'd by Fire or other Casualties press heavily upon 'the Frame. Sometimes terrible Earthquakes shake the very Foundations, and yet they still continue impregnable almost 800 Years 'since they were first laid by *Tarquinius. (a)*

Very little inferior to the Works already mention'd, were the Publick Ways, built with extraordinary charge, to a great distance from the City on all sides. They were generally pav'd with Flint; tho' sometimes, and especially without the City, with Pebbles and Gravel. The most noble in all respects, was the *Via Appia*, taking its Name from the Author *Appius*, the same that invented the *Cloaca*. This was carried to such a vast length, that *Procopius (b)* reckons it a very good Five Days Journey to reach the end: And *Lipsius (c)* computes it at 350 Miles. An account of as much of this way as lies between Rome and

(a) *Plin. lib. 36. cap. 15.* (b) *De bell. Goth. lib. 1.* (c) *De Magn. Rom.*

Naples, the reverend Dr. *Burnet*, has oblig'd us with in his Letters: (a) He tells us, 'tis Twelve Foot broad; all made of huge Stones, most of them Blew; and they are generally a Foot and a half large of all sides. And presently after, admiring the extraordinary strength of the Work, he saies, That tho' it has lasted above 1800 Years, yet in most places, 'tis for several Miles (b) together as entire as when it was first made. And as to the *Via Flaminia*, the next Causey of note, the same Author observes, That tho' it be not indeed so entire as the former, yet there is enough left to raise a just Idea of the Roman Greatness.

I must desire leave to conclude this Subject with the ingenious Epigram of *Janus Vitalis*, an Italian Poet.

*Quid Romam in mediâ queris novus advena Romæ,
 Et Romæ in Româ nil reperis mediâ?
 Aspice murorum moles, præruptaq; Jaxa,
 Obrutâq; horrenti vastâ Theatra situ:
 Hæc sunt Romæ: Viden' velut ipsa cadavera tantæ
 Urbis adhuc spirent imperiosa minas?
 Vicit ut hæc mundum, nîsâ est se vincere: vicit,
 A se non victumne quid in orbe foret.
 Hunc victâ in Româ victrix Româ illa sepulta est,
 Atq; eadem victrix victaq; Româ fuit.
 Albula Romani restat nunc nominis index,
 Qui quæque nunc rapidis fertur in æquor aquis.
 Disce hinc quid possit fortuna; immota labascunt,
 Et quæ perpetuò sunt agitata manent.*

Within Rome's Walls, vain Stranger, art thou come
 To seek for Rome, and find'st no Rome in Rome?
 See here the craggy Walls, the Tow'rs defac'd,
 And Piles that frighten more than once they pleas'd:
 See the vast Theaters, a shapeless load,
 And Sights more Tragick than they ever show'd:
 This, this is Rome: Her haughty Carcass spread
 Still awes in ruin, and commands when dead.
 The Subject World first took from her their Fate;
 And when the only stood unconquer'd yet,
 Her self she last subdu'd to make the Work complete.

(a) Letter 4th. (b) *Ibid.*

But ah! so dear the fatal Triumph cost,
 That conqu'ring *Rome* is in the conquer'd lost.
 Yet rolling *Tiber* still maintains his Stream,
 Swell'd with the Glories of the *Roman* Name.
 Strange Power of Fate! unshaken Moles must wast;
 While things that ever move, for ever last.

PART

PART II.

BOOK II.

Of the Religion of the Romans.

CHAP. I.

Of the Religion and Morality of the Romans in general.

THAT Religion is absolutely necessary for the establishing of Civil Government, is a truth so far from being denied by any sort of Persons, that we meet with too many who are unwilling to allow any other design in Sacred Institutions. As to the *Romans*, it has been universally agreed, That Vertue and Fortune were engag'd in a sort of noble Contention for the Advancement of the Grandeur and Happiness of that People. And a very great Judge has concluded the latter to be only a consequence of the other. For Religion, saies he, (a) *produc'd good Laws; good Laws good Fortune, and good Fortune a good End in whatever they undertook.* And perhaps he has not strain'd the Panegyrick too high, when he tells us, That for several Ages together, never was the Fear of God more eminently conspicuous than in that Republick. (b) 'Twas this consideration which made the great St. Austin observe, (c) That God would not give Heaven to the *Remans* because they were Heathens; but he gave them the Em-

(a) *Machiavel's Discourse on Livy, lib. 1. cap. 11.* (b) *Ibid.* (c) *De Civitate Dei. lib. 4. cap. 15.*

pire of the World because they were Vertuous. And indeed, in their more general Vertues their Practice inclin'd rather to the excess than the defect: Thus were they devout to Superstition, valiant to a contempt of Life, and an inconsiderate courting of danger: Frugal and Temperate in the first Ages, to a voluntary abstinence from agreeable Pleasures and Convenience: Constant several times, to the occasion of their own ruin, and rather rigorous than just. A tedious account of the *Decii, Regulus, Fabricius, Curius Scævola*, &c. would be needless even to a School-boy, who is seldom unfurnish'd with a stock of such Histories.

But we must by no means omit a most noble saying of *Cicero* to this purpose in his Oration about the Answer of the *Atruspices*: *Quàm volumus licet, Patres Conscripti, nos amemus, tamen nec numero Hispanos, nec robore Gallos, nec calliditate Pænos, nec artibus Græcos; nec denique hoc ipso hujus Gentis & Terræ domestico nativæque sensu Italos ipsos & Latinos; sed Pietate ac Religione, atque hac unâ sapientiâ quòd Deorum Immortalium Numine omnia regi gubernarique perspeximus, omnes Gentes Nationesque superavimus.*

But 'twill naturally be objected, That whatever Harangues we make upon the Justice, Temperance, and other celebrated Vertues of the old *Romans*, they at last degenerated into the most luxurious and extravagant People in the World. Every Page of their own Satyrists is a very good Argument for this Opinion; besides the numerous Complaints of their Historians and other Writers. Now tho' *Lipsius* has undertaken to bring them off clear from all such Imputations; yet, I think, we must be forc'd to allow, that they did indeed debase the noble and generous Spirit of their Ancestors; and this Corruption was without doubt, the only cause of the declension and final ruin of the Empire. But as we are not to give over the cause of Vertue on account of the debauchery of latter times, so we have little reason to exalt the eminent Qualities of the old *Romans* to so high a pitch as some imagine. There's no necessity of making a Hero of every Consul, or fanfying every one who was eminently serviceable to the Republick, to have been a Person of consummated Vertue. So that, when we meet in *Roman* Authors such extravagant Encomiums of their Ancestors, we may conclude, that what *Horace* has observ'd in reference to Poetry, will hold altogether as well in this Case: The generality of People being so strangely transported with the love and admiration of Antiquity, that nothing was more usual than to meet with such a Person as he describes,

Qui

*Qui redit ad Fastos, & virtutem æstimat annis,
Miraturq; nihil nisi quod Libitina sacravit.*

That when he'd try a Man's pretence to Fame,
Runs to his Chronicle to find his Name:
Thinks Vertue better for its Age, like Wine;
And only likes what death has made Divine.

For we may often observe, that their very Panegyricks upon the honest People of the first Ages of the Common-wealth, represent them rather as a sort of rude unpolish'd Mortals, than as Persons eminent for any noble Endowments.

So *Juvenal*, Sat. 14.

—— *Saturabat glebula talis
Patrem ipsum turbamq; casæ; quæ facta jacebat
Uxor, & infantes ludebant quatuor, unus
Vernula, tres domini: Sed magnis fratribus horum
A scrobe vel sulco redeuntibus altera cæna
Æmplior, & grandes fumabant pultribus olla.*

—— This little Spot of Earth, well till'd,
A numerous Family with Plenty fill'd.
The good old Man and thrifty Housewife spent
Their Days in Peace, and fatten'd with content;
Enjoy'd the Dregs of Life, and liv'd to see
A long, descending, healthful Progeny.
The Men were fashion'd in a larger Mould;
The Women fit for labour, Big and Bold.
Gigantick Hinds, as soon as Work was done,
To their huge Pots of boiling Pulse would run,
Fell to with eager joy on homely Food,
And their large Veins beat strong with wholsom Blood.

[*Mr. John Dryden Jun.*

But the account which *Perfius* gives us of *Titus Quintius*, the old Country Dictator, has something more of ridiculous in it.

*Unde Remus, sulcoq; terens Dentalia Quinti,
Quem trepida ante boves Dictatorem induit uxor;
Et tua aratra domum Dictor tulit (a)* —

(a) *Perf. Sat. 1*

Where

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Where *Romulus* were bred, and *Quintius* born,
Whose shining Plow-share was in Furrows worn,
Met by his trembling Wife returning home,
And rustically joy'd Chief of *Rome*.
She wip'd the Sweat from the Dictator's Brow;
And o'er his back his Robe did rudely throw;
The Victors bore in State their Lord's Triumphant Plough.

(Mr. Dryden.

We must therefore allow every Age its proper Character and Commendation; and conclude with the ingenious Mr. *St. Evremont*, That the excellent Citizens liv'd among the ancient Romans, and the most accomplish'd Generals among the latter. (a)

(a) Reflect. upon the Genius of the *Rom.* Peop. cap. 4.

CHAP. II.

Of the Luperci, Lupercalia, &c. Of the Potitii and Pinarii; and of the Arval Brothers.

THE Places of Worship having been already describ'd, the chief Subjects that still remain relating to Religion, are the Priests, the Sacrifices, and the Festivals: For it would be very needless and impertinent to enter into a Disquisition about the Deities, a matter that, having its very Foundation in Fiction, is involv'd in so many endless Stories, and yet has employ'd several Pens to explain it.

Luperci.] The most ancient Order of the Priests were the *Luperci*, sacred to *Pan* the God of the Country, and particularly of Shepherds. They had their Name from the Deity they attended on, call'd in Greek *Λυγισ*; probably from *λύκ* a Wolf, in Latin *Lupus*; because the chief Employment of *Pan*, was the driving away such Beasts from the Sheep that he *Lupercalia*. protected. The *Lupercalia*, as *Plutarch* observes, appears to have been a Feast of Purification, being solemniz'd on the *Dies Nefasti*, or Non-Court-days of the Month *February*, which derives its Name from *Februus* to pu-

rify:

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rify: And the very Day of the Celebration was anciently call'd *Februua*. (a)

The Ceremony was very singular and strange.

In the first place, there was a Sacrifice kill'd of Goats and a Dog, Then two Children, Noblemen's Sons, being brought thither, some of the *Luperci* stain'd their Fore-heads with the bloody Knife, while others wip'd it off with Locks of Wooll dip'd in Milk: The Boys must always laugh after their Fore-heads have been wip'd: This done, having cut the Goats Skins into Thongs, they run about the Streets all naked but their middle, and lash all that they meet in their Procession. The young Women never take any care to avoid the Strokes, but rather offer themselves of their own accord, fanciesing them to be great Helpers of Conception and Delivery. (b) They run naked, because *Pan* is always painted so. They sacrific'd a Goat, because the same Deity was suppos'd to have Goat's Feet; which gave occasion to his common Epithet of *Capripes*. As for the Dog, we meet with in the Sacrifice, 'twas added as a necessary Companion of a Shepherd, and because of the natural Antipathy between them and Wolves.

Some have fancies'd with *Plutarch*, that these *Lupercalia* were instituted in Honour of the Wolf that preserv'd *Romulus* and *Remus*. Others carry their Original much higher, and tell us, that they were brought into Italy by *Evander*, before the time of *Aneas*.

There were two Companies of the *Luperci*, the *Fabiani* and *Quintiliani*; one for *Romulus*, the other for *Remus*: They took their Names from *Fabius* and *Quintilius*, two of their Masters or Chief Priests. (c) *Dion Cassius* tells us, that a third sort of Priests, design'd for the Celebration of the *Lupercalia*, were instituted by the Senate to the Honour of *Julius Caesar*. (d)

Suetonius (e) reckons the *Lupercalia* among the ancient Rites and Ceremonies restor'd by *Augustus*: And *Onuph. Panvinius* assures us they continu'd in *Rome* till the time of the Emperor *Anastasi*.

2. *Potitii* and *Pinarii*,] The *Potitii* and *Pinarii* were of equal Antiquity with the former. They owe their Institution to the same Author, upon the following account.

After the killing of *Cacus*, a Gyant that had stole some of *Hercules's* Cattle away, the Booty that he brought through Italy, from Spain; the Shepherds and ignorant People of the Country, gathering in great Flocks about the Stranger, at last brought him

(a) *Plutarch* in *Romul.* (b) *Ibid.* (c) *Sext. Pom. Festus & Ovid. Fast.* (d) *Lib. 44.* (e) in *August. cap. 31.*

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before *Evander*. The King, after Examination, finding him to be in all respects the same Person that his Mother, the Prophetess *Carmenta*, had told him should come into *Italy*, and be afterwards a God, immediately erected an Altar to his Honour, and offer'd for a Sacrifice a young Bullock that never bore the Yoke; ordaining, that the same Ceremony should be repeated in a solemn manner every Year. The performance of these Rites he committed to the care of the *Potitii* and *Pinari*, two of the Noblest Families, and of best Repute in those parts. There goes a Story, that the *Pinari* happening to come too late to the Sacrifice, so as to lose their share in the Entrails, they were, by way of punishment, debarr'd from ever tasting them for the future: And hence some derive their Name from *pena*, hunger. But this I take to be but a trifling Fancy; for we may as well derive *Potitii* from *Petiri*, because they enjoy'd the Entrails, as *Pinari* from *pena*, because they wanted them.

We meet with something very remarkable of the *Potitii* in *Livy*, (a) and *Valerius Maximus*. (b)

That when, upon application made to *Appius Claudius* the Censor, they got leave to have their Hereditary Ministry discharg'd by Servants, in the compass of one Year the whole Family was entirely extinct, tho' no less than Thirty of them were lusty young Men. And *Appius Claudius* lost his Eyes as a Judgment for his part in the Offence.

Acca Laurentia, *Romulus* his Nurse, had a Custom once a Year to make a solemn Sacrifice for a Blessing upon the Fields: Her Twelve Sons assisting her always in the Solemnity. At last she had the ill Fortuner to lose one of her Sons; when *Romulus*, to shew his Gratitude and Respect, offer'd himself to fill up the number in his room, and gave the Company the Name of *Fratres Arvales*. This Order was in great repute at *Rome*; they held the Dignity always for their Lives, and never lost it upon account of Imprisonment, Banishment, or any other Accident. (c) They wore on their Heads, at the time of the Solemnity, Crowns made of Ears of Corn, upon a Tradition that *Laurentia* at first presented *Romulus* with such an one. (d) Some will have it, that it was their Business to take care of the Boundaries, and the Divisions of Lands, and to decide all Controversies that might happen about them. Others make a different Order, instituted for that purpose, and call'd *Sodales Arvales*, on the same account as the *Fratres Arvales*.

(a) *Lib. 9.* (b) *Lib. 1. cap. 1.* (c) *Plin. lib. 17. cap. 2.* (d) *Pompon. Læsus de Sacerdotiis.*

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CHAP. III.

Of the Augurs, Auguries, &c.

THE invention of Soothsaying is generally attributed to the *Chaldeans*; from them the Art pass'd to the *Grecians*; the *Grecians* deliver'd it to the *Tuscans*, and they to the *Latins* and the *Romans*. The Name of the *Augurs* is deriv'd by some, *ab avium gestu*; by others, *ab avium garritu*: Either from the Motion and Actions, or from the Chirping and Chattering of Brds. *Romulus* was himself an extraordinary Proficient in this Art, (a) and therefore as he divided his City into Three Tribes, so he constituted Three *Augurs*, One for every Tribe. There was a Fourth added some time after, probably by *Servius Tullius*, who encreas'd the Tribes to that number. These Four being all chosen out of the *Patricii* or Nobility; in the Year of the City 454. the *Tribunes* of the People, with much difficulty procur'd an Order, that Five Persons, to be elected out of the Commons, should be added to the College. (b) Afterwards *Sylla* the Dictator, A. U. C. 671. made the number up Fifteen. (c) The eldest of these had the command of the rest, and was honour'd with the Title of *Magister Collegii*. (d)

Their Business was to interpret Dreams, Oracles, Prodigies, &c. And to tell whether any Action should be fortunate or prejudicial to any particular Persons, or to the whole Commonwealth. Upon this account they very often occasion'd the displacing of Magistrates, the deferring of Publick Assemblies, &c. when ever the Omens prov'd unlucky.

There are Five sorts of *Auguries* mention'd in Authors.

1. From the Appearances in Heaven; as Thunder, Lightning, Comets, and other Meteors. As suppose of Thunder, whether it came from the Right or the Left, (the Left in this and all other Observations being reputed Fortunate, the Right the contrary:) Whether the number of Stroaks were even or odd, &c. Only the Master of the College could take this sort of *Augury*. (e)
2. From Birds; whence they had the Name of *Auspices*, of *avis* and *conspicio*. Some Birds furnish'd them with Observations

(a) *Plutarch. in Rom.* (b) *Livy lib. 10.* (c) *Florus Epitoma. Liv. lib. 29.* (d) *Alex. ab Alex. lib. 5. cap. 19.* (e) *Alex. ab Alex. lib. 5. cap. 19.*

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from their chattering or singing, others from their flying. The former they call'd *Oscines*, the latter *Præpetes*. Of the first sort were Crows, Pies, Owls, &c, of the other, Eagles, Vultures, Buzzards, and the like.

For the taking of both these sort of *Auguries*, the Observer stood upon a Tower with his Head cover'd in a Gown peculiar to his Office, call'd *Læna*, and turning his Face toward the East, mark'd out the Heavens into Four *Templa*, or Quarters, with his *Lituus*, a short straight Rod, only a little turning in at one end: This done, he staid waiting for the Omen; which never signified any thing, unless confirm'd by another of the same sort.

3. From Chickens kept in a Coop or Pen for this purpose. The manner of divining from them was as follows: Betimes in the Morning the *Augur* that was to make the Observation, call'd from hence *Pullarius*, (tho' perhaps the keeper of the Chickens had rather that Name,) in the first place commanding a general Silence, order'd the Pen to be open'd, and threw down a handful of Crumbs or Corn. If the Chickens did not immediately run fluttering to the Meat; if they scatter'd it with their Wings; if they went by without taking notice of it, or if they flew away, the Omen was reckon'd unfortunate, and to portend nothing but danger or mischance: But if they leap'd presently out of the Pen and fell to chance: But if they leap'd presently out of the Pen and fell to so greedily as to let some of their Meat drop out of their Mouths upon the Pavement, there was all the assurance in the World of Happiness and success. (a) This *Augury* was call'd *Tripudium*, quasi *Terri-pavium*, from striking the Earth: The old Word *pavire* signifying as much as *Ferire*. We meet with *Tripudium Solistimum*, and *Tripudium Sonivium* in *Festus*, both deriv'd from the Crumbs falling to the Ground.

4. From Beasts. These, as *Rosinus* reckons them up, were Wolves, Foxes, Goats, Heifers, Asses, Rams, Hares, Weeles, and Mice. The general Observations about them were, Whether they appear'd in a strange place, or cross'd the way; or, whether they run to the Right or the left, &c.

5. The last sort of Divination was from what they call'd *Dire*, or unusual Accidents to any Person or Place: As Sneezing, Stumbling, seeing Apparitions, hearing strange Voices, the falling of Salt upon the Table, the spilling of Wine upon one's Clothes, the meeting a Wolf, a Fox, a Hare, a Bitch with Puppy, &c.

We may observe, that tho' any *Augur* might take an Observation, yet the judging of the Omen was left to the decision of the whole College. (b)

(a) *Idem lib. 1. cap. 29.* (b) *Alex. ab Alex. lib. 1. cap. 29.*

Cicero

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Cicero has sufficiently expos'd these *Auguries*, especially that about the Chickens, in his second Book of *Divination*.

The learned Mr. O. W. has taken notice, that the Emperors assum'd the Office of *Augurs*, as well as of *Pontiffs*, as appears from several Coins of *Julius*, *Augustus*, *Vespasian*, *Verm*, &c. which have the *Augurs* Ensigns upon them.

CHAP. IV.

Of the Haruspices and Pontifices.

THE *Haruspices* had this Name *ab aris aspiciendis*, from looking upon the Altars; as *ab extis inspicendis*, they were call'd *Extispices*: They owe their Original to *Romulus*, who borrow'd the Institution from the *Tuscans*. The *Tuscans* receiv'd it, as the general Tradition goes, from a Boy that they plough'd up casually out of the Ground, who oblig'd them with a discovery of all the Mysteries belonging to this Art. (a) At first only the Natives of *Tuscany* exercis'd this Office at *Rome*; and therefore the Senate made an Order, That Twelve of the Sons of the principal Nobility should be sent into that Country to be instructed in the Rites and Ceremonies of their Religion, of which this Secret was a chief part. (b) The business of the *Haruspices* was to look upon the Beasts offer'd in Sacrifice, and by them to divine the success of any Enterprize. They took their Observations from Four Appearances.

1. From the Beasts before they were cut up.
2. From the Entrails of those Beasts after they were cut up.
3. From the Flame that us'd to rise when they were burning.
4. From the Flower or Bran, from the Frankincense, Wine and Water that they us'd in the Sacrifice.

In the Beasts, before they were cut up, they took notice, Whether they were forc'd to be dragg'd to the Altar; whether they got loose out of the Leaders Hands; Whether they escap'd the Stroke; or bounded up, and roar'd very loud when they receiv'd it; Whether they died with a great deal of difficulty; all which, with several other Omens, were counted unfortunate: Or whether, on the other side, they follow'd the Leader without Compulsion; receiv'd the Blow without struggling and resistance; Whether

(a) *Cicero de Divinat. lib. 2.* (b) *Idem. de Divinat. lib. 1.*

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they

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they died easily, and sent out a great quantity of Blood, which gave the like assurance of a prosperous event.

In the Beast, when cut up, they observ'd the colour of the parts, and whether any were wanting. A double Liver was counted highly unfortunate: A little, or a lean Heart was always unlucky: if the Heart was wholly missing, nothing could be thought more fatal and dreadful; as it happen'd in two Oxen together, offer'd by *Julius Caesar*, a little before his Murder; if the Entrails fell out of the Priest's Hands; if they were dawb'd more than ordinary with Blood; if they were of a pale livid colour, they portended sudden danger and ruin.

As to the Flame of the Sacrifice, it furnish'd them with a good Omen if it gather'd up violently, and presently consum'd the Sacrifice: If it was clear, pure, and transparent, without any mixture of Smoak, and not discolour'd with red, pale, or black; if it was quiet and calm, not sparkling or crackling, but run up directly in the shape of a Pyramid. On the contrary, it always portended Misfortunes, if at first it requir'd much pains to light it; if it did not burn upright, but roll'd into Circles, and left void spaces between them; if it did not presently catch hold on the whole Sacrifice, but crept up by degrees, from one part to another; if it happen'd to be spread about by the Wind, or to be put out by sudden Rain, or to leave any part unconsum'd.

In the Meal, Frankincense, Wine and Water, they were to observe, whether they had their due quantity, their proper taste, colour, and smell, &c.

There were several lesser Signs which supply'd them with Conjectures too insignificant to be here mentioned.

Most of these ill Omens are hinted at by *Virgil*. Georg 3. v. 486.

*Sæpe in honore Delum medio stans hostia ad aram,
Lancea dum niveâ circumdatur infula vittâ,
Inter cunctantes cecidit moribunda ministros.
Aut si quam ferro mactaverat ante Sacerdos:
Inde neque impositis ardent altaria fibris,
Nec responsa potest consultus reddere vates:
Ac vix suppositi tinguntur sanguine cultri,
Summaque jejuna sanie infusatur arena.*

The Victim Ox that was for Altars pres'd,
Trim'd with white Ribbons, and with Garlands dress'd,
Sunk of himself without the Gods command,
Preventing the slow Sacrificer's hand:

Or,

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Or, by the Holy Butcher if he fell,
Th' inspect'd Entrails cou'd no Fate foretell:
Nor laid on Altars, did pure Flames arise,
But Clouds of smouldring Smoak forbad the Sacrifice.
Scarcely the Knife was redd'n'd with his Gore,
Or the black Poyson stain'd the sandy Floor.

[Mr. Dryden.

Yet the Business of the *Aruspices* was not restrain'd to the Altars and Sacrifices, but they had an equal right to the explaining all other Portents and Monsters. Hence we find them often consulted by the Senate on extraordinary occasions, or if the *Roman Aruspices* lay under a dispute, others were sent for out of *Tuscany*, where this Craft most flourish'd, as it was first invented.

The College of *Aruspices* as well as those of the other Religious Orders had their particular Registers and Records, such as the Memorials of Thunders and Lightnings, the *Tuscan* Histories and the like.

There are but Two Accounts of the Derivation of the Name of the *Pontifices*, and both very uncertain; either from *Pons* and *facere*; because they first built the *Sublician* Bridge in *Rome*; and had the care of its repair; or from *Posse* and *facere*; where *facere* must be interpreted to signify the same as *Offerre* and *Sacrificare*. The first of these is the most receiv'd Opinion; and yet *Plutarch* himself hath call'd it absurd, (a) At the first Institution of them by *Numa*, the number was confin'd to Four, who were constantly chose out of the Nobility, till the Year of the City 454. when Five more were order'd to be added out the Commons, at the same time as the *Augurs* receiv'd the like Addition. And as the *Augurs* had a College, so the *Pontifices* too were settled in such a Body. And as *Sylla* afterwards added Seven *Augurs*, so he added as many *Pontifices* to the College: The first Eight bearing the Name of *Pontifices Majores*, and the other of *Minores*.

The Office of the *Pontifices*, was to give Judgment in all Causes relating to Religion; to enquire into the Lives and Manners of the inferior Priests, and to punish them if they saw occasion; to prescribe Rules for Publick Worship; to regulate the Feasts, Sacrifices, and all other Sacred Institutions. *Tully* in, in his Oration to them for his House, tells them, That the Honour and Safety of the Commonwealth, the Liberty of the People, the Houses

(a) In *Numa*.

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and

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and Fortunes of the Citizens, and the very Gods themselves were all entrusted to their Care, and depended wholly on their Wisdom and Management.

The Master or Superintendent of the *Pontifices* was one of the most honourable Offices in the Common-wealth. *Numa*, when he Instituted the Order, invested himself first with this Dignity, as *Plutarch* informs us; tho' *Livy* attributes it to another Person of the same Name. *Festus* his Definition of this great Priest is, *Judex atq; Arbitrator rerum humanarum Divinarumq;* The Judge and Arbitrator of Divine and Humane Affairs. Upon this account all the Emperors, after the Example of *Julius Caesar* and *Augustus*, either actually took upon them the Office, or at least us'd the Name. And even the *Christian* Emperors for some time, retain'd this in the Ordinary enumeration of their Titles; till the time of *Gratian*, who (as we learn from *Zozimus* (a) absolutely refus'd it.

Polidore Virgil (b) does not question but this was an infallible Omen of the Authority which the Bishop of *Rome* enjoys to this Day, under the Name of *Pontifex Maximus*.

(a) *Hist. lib. 4.* (b) *De rerum invent. lib. 14. cap. 14.*

CHAP. V.

Of the *Flamines*, *Rex Sacrorum*, *Salii*, *Feciales* and *Sodales*.

THE Name of the *Flamines* is not much clearer than the former. *Plutarch* makes it a corruption of *Pilamines* from *Pileus*, a sort of Cap proper to the Order. *Varro*, *Festus* and *Servius* will have it contraction of *Filamines*, from *Filum*; and tell us, that finding their Caps too heavy and troublesome, they took up a lighter sort of wear, only binding a parcel of Thread about their Heads. Others derive the Word from *Flamma*, or *Flammeum*, a sort of *Turban*, which they make them to have worn; tho' this generally signifies a Woman's Veil. *Resinus* and Mr. *Dodwel* declare for the second of these Opinions. *Polydore Virgil* has given his Judgment in favor of the third. (c)

(a) *De invent. rer. lib. 4. cap. 14.*

Numa

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Numa at first discharg'd several Offices of Religion himself, and design'd that all his successors should do the like: But because he thought the greatest part of them would partake more of *Romulus* his Genius than his own; and being engag'd in War-like Enterprises, might incapacitate themselves for this Function, he instituted these *Flamines* to take care of the same Services, as by right belong'd to the Kings. (a)

The only Three constituted at first, were *Flamen Dialis*, *Martialis*, and *Quirinalis*. The first was Sacred to *Jupiter*; and a Person of the highest Authority in the Common-wealth: He was oblig'd to observe several superstitious Restraints, as well as honour'd with several eminent Privileges beyond other Officers; which are reckon'd up at large by *Gellius*. (b) The same Author tells us, That the Wife of this *Flamen* had the Name of *Flaminica*, and was entrusted with the care of several Ceremonies peculiar to her place.

But to be sure, the greatness of the Dignity was sufficiently diminish'd in succeeding times; otherwise we can't imagine that *Julius Caesar* should have been invested with it at Seventeen Years of Age, as *Sueton* (c) assures us he was: Or that *Sylla* should have so easily driven him from his Office, and from his House.

The other Two were of less, yet of very eminent Authority; ordain'd to inspect the Rites of *Mars* and *Romulus*. All Three were chose out of the Nobility. Several Priests of the same Order, tho' of inferiour Power and Dignity, were added in latter times; the whole number being generally computed at Fifteen. Yet *Fenestella* (or the Author under his Name) assures us from *Varro*, That the old *Romans* had a particular *Flamen* for every Deity they worshipp'd. (d)

Tho' the *Flamen Dialis* discharg'd several Religious Duties that properly belong'd to the Kings; yet we meet with another Officer of greater Authority, who seems to have been purely design'd for that Employment: And this was the *Rex Sacrificulus*, or *Sacrorum*. *Dionysius* gives us the Original of this Institution as follows: *Because the Kings had in a great many respects been very serviceable to the State, the Establishers of the Common-wealth thought it very proper to keep always the Name of King in the City. Upon this account they order'd the Augurs and Pontifices to chuse out a fit Person, who should engage never to have the least hand in Civil Affairs, but devote himself wholly to the care of the Publick Worship and Ceremonies of Religion, with the Title of Rex Sacrorum.* (e) And

(a) *Livy lib. 1.* (b) *Noët. Att. lib. 10. cap. 15.* (c) *cap. 1.* (d) *De Sacerdotiis cap. 5.* (e) *Antiq. lib. 5.*

Livy

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Livy informs us. That the Office of *Rex Sacrocrum* was therefore made inferior to that of *Pontifex Maximus*, for fear that the Name of King, which had been formerly so odious to the People, might, for all this restraint, be still in some measure prejudicial to their Liberty. (a)

Salii.] The Original of the *Salii* may be thus gather'd from *Plutarch*. In the Eighth Year of *Numa's* Reign, a terrible Pestilence, spreading it self over *Italy*, among other places miserably infested *Rome*. The Citizens were almost grown desperate, when they were comforted on a sudden by the report of a brazen Target, which (they say) fell into *Numa's* Hands from Heaven. The King was assur'd by the Conference he maintain'd with the Nymph *Egeria* and the Muses, that the Target was sent from the Gods for the Cure and Safety of the City; and this was soon verified by the miraculous ceasing of the Sickness. They advis'd him too to make Eleven other Targets, so like in their Dimensions and Form to the Original, that in case there should be a design of stealing it away, the true might not be distinguish'd or known from those which were countefeited; by which means it would be more difficult to defeat the Counsels of Fate, in which it had been determin'd, That, while this was preserv'd, the City should prove happy and victorious. This difficult Work one *Veturius Mamurius* very luckily perform'd, and made Eleven others that *Numa* himself could not know from the first. They were work'd into an oval Form, with several Folds or Pleats closing one over another. They exactly fitted the Elbow by their Figure; and were thence call'd *Ancylia*, from *Ἀγκύλη*, which signifies a crooked shape; or from the Cubit, that part of the Arm between the Wrist and the Elbow, upon which they carry'd the *Ancylia*. (b) For the keeping of these, *Numa* instituted an Order of Priests, call'd *Salii*, à *Saliendo*, from leaping or dancing. They liv'd all in a Body, and compos'd a College, consisting of the same number of Men as the Bucklers they preserv'd. The three Seniors govern'd the rest; of whom the first had the Name of *Præsul*; the second of *Vates*; and the other of *Magister*. (c) In the Month of *March* was their great Feast, when they carry'd their Sacred Charge about the City. At this Procession, they were habited in a short Scarlet Caslock, having round them a broad Belt clasp'd with Bras Buckles. On their Head they wore a sort of Copper-Helmet. In this manner they went on with a nimble motion, keeping just measures with their Feet, and demonstrating great Strength

(a) *Livy* lib. 2. (b) *Plutarch* in *Numa*. (c) *Alex. ab Alex. lib. 1. cap. 26.*

and

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and Agility, by the various and handsem turns of their Body. (a) They sung all along a set of old Verses call'd the *Carmen Saliare*; the first Form of which was compos'd by *Numa*. They were sacred to *Mars*, (the *Ancylia* or Targets being parts of Armour) who from them took the Name of *Salisubulus* - And therefore upon account of the extraordinary noise and shaking that they made in their Dances, *Catullus*, to signify a strong Bridge, has us'd the Phrase.

♦ *In quo vel Salisubuli Sacra fiunt.* (b)

Unless the Conjecture of *Vossius* be true, that *Salisubulus* is here a corruption from *Salii ipsulis*; the Performers in those Dances, bearing with them among other Superstitious Trifles, a sort of thin Plates work'd into the shapes of Men and Women, which they call'd *ipsiles* or *subfiles*, and *ipsula* or *subsula*. Upon admitting this Opinion, *Mars* must lose his Name of *Salisubulus*; and *Pacuvius* cannot relieve him; because the Verse with this word in it, commonly cited from that old Poet, is thought (by *Vossius* at least) to be a meer Fiction of *Muretus's*, who was noted for this kind of Forgery. See *Voss.* in *Catul.* p. 46.

Tho' the Month of *March* (dedicated to that God) was the proper time for carrying the *Ancylia* about; yet if at any time, a just and lawful War had been proclaim'd by Order of the Senate, against any State or People, the *Salii* were in a solemn manner, to move the *Ancylia*, as if by that means they rous'd *Mars* from his Seat, and sent him out to the assistance of their Arms. (c)

Tullus Hostilius afterwards increas'd the College with Twelve more *Salii*, in pursuance of a Vow he made in a Battel with the *Sabines*. And therefore for distinction's sake, the Twelve first were generally call'd *Salii Palatini*, from the *Palatine* Mountain, whence they begun their Procession; the other *Salii Collini* or *Agonenses*, from the *Quirinal* Hill, sometimes call'd *Mons Agonalis*; where they had a Chappel on one of the highest Eminences of the Mountain. (d)

Alexander ab Alexandro has observ'd, that the Entertainments of these Priests upon their solemn Festivals, were exceeding costly and magnificent, with all the variety of Musick, Garlands, Perfumes, &c. (e) And therefore *Horace* uses *dapes Saliaves* (f) for delicate Meats, as he does *Pontificum carne* (g) for great Regalio's.

(a) *Plutarch* in *Numa*. (b) *Catul. Carm. 17.* (c) *Alex. ab Alex. lib. 1. cap. 26.* (d) *Dionys. Halic. lib. 3.* (e) *Gen. Dier. lib. 1. cap. 26.* (f) *Lib. 1. Od. 37.* (g) *Lib. 1. Od. 14.*

[Feciales.]

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Feciales.] The *Feciales Varro* derives from *Fides*, because they had the care of the publick Faith in Leagues and Contracts. Others bring the word à *facere faciendo* on the same account. Their Original in Italy was very ancient. *Dionysius Halicarn.* finds them among the *Aborigines*. under the Name of *αἰσίοποι, libaminum latores*: And *Virgil* intimates as much in several places. *Numa* first instituted the Order at *Rome* (a) consisting of Twenty Persons, (b) chose out of the eminentest Families in the City, and settled in a College. 'Tis probable he rank'd them among the Officers of Religion, to procure them the more Deference and Authority, and to make their Persons more Sacred in the Commonwealth.

Their Office was to be the Arbitrators of all Controversies relating to War and Peace; nor was it lawful on any account to take up Arms till they had declar'd all Means and Expedients rejected that might tend to an Accommodation. In case the Republick had suffer'd any Injury from a Foreign State, they dispatched these *Feciales*, who were properly Heralds, to demand satisfaction; who, if they could procure no restitution or just return, calling the Gods to witness against the People and Country, immediately denounc'd War; otherwise they confirm'd the Alliance that had been formerly made, or engag'd in a new one. (c) But the Cereimonies us'd upon both these occasions, will fall more properly under another Head. 'Tis enough to observe here, that both the Affairs were manag'd by these Officers, with the consent of the Senate and People.

As to the *Pater Patratus*, 'tis not easie to determine whether he was a constant Officer, and the chief of them *Feciales*; or whether he was not a Temporary Minister, elected upon account of making a Peace or denouncing War, which were both done by him. *Rosinus* makes him the constant Governour, or Master of the *Feciales*. (d) *Fenestella*, (or the Author under his Name) a distinct Officer altogether. (e) *Pomponius Latus*, (f) and *Polydore Virgil* (g) tell us, That he was only chose by one of the *Feciales*, out of their one Body, upon such occasions as we mention'd but now. The latter Opinion may be defended by the Authority of *Livy*, who, in order to the Treaty with the *Albans* before the triple Combat of the *Horatii* and *Curiatii*, makes one of the *Feciales* chose a *Pater Patratus* to perform that Ceremony. (h) The Person to be entrusted with this Office must have been one had a

(a) *Dionys. Livy.* (b) *Alex. ab Alex. lib. 5. cap. 3.* (c) *Plutarch. in Num. (d) Lib. 3. cap. 21.* (e) *De Sacerdot. Rom. cap. 6.* (f) *De Invent. Rer. lib. 4. cap. 14.* (g) *Lib. 1. cap. 24.*

Father

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Father and a Son both alive; and therefore *Pater Patratus* is no more than a perfecter sort of Father, as they imagin'd him to be, whose own Father was still living after he himself had been a Father for some time. Perhaps too they might fancy him to be the fittest Judge in Affairs of such Consequence, who could see as well behind as before him. (a)

Tho' the Members of any Collegiate Body, and particularly the Free Tradesmen of the several Companies, are often call'd *Sodales*; yet those who challeng'd that Name by way of Eminence, were Religious Officers, instituted to take care of the Festivals and Annual Honours of Great Persons Deceas'd. The first of this Order were the *Sodales Titii*, created to supervise the Solemnities in memory of *Tatius* the Sabine King. *Tiberius* founded a College of the same Nature, and gave the Members the Title of *Sodales Augustales*; their Business was to inspect the Rites paid to *Augustus Cesar* after his Death; and to perform the same good Offices to the whole *Julian* Family, as the old *Sodales Titii* preserv'd the Sacred Memorials of all that *Sabine* Race.

Afterwards we meet with the *Sodales Antoniniani Helviani, Alexandrini*, &c. instituted on the like accounts, but so restrain'd to the Service of the particular Emperors, that the *Antoniani*, for example, were divided into the *Pii Lucii, Marci*, &c. according to the proper Name of the Prince on whose Honours they were to attend. *Vid. Dodwel Praefect. 1. ad Spartian. Hadrian. S. 5.*

(a) *Plutarch in Question. Roman.*

CHAP. VI.

Of the Vestals.

THE Institution of the *Vestal Virgins* is generally attributed to *Numa*; tho' we meet with the *Sacred Fire* long before, and even in the time of *Aeneas*. But perhaps *Numa* was the first who settled the Order, and built a Temple to the Goddess in *Rome*. (b) Their Office was to attend upon the Rites of *Vesta*, the chief part (c) being the preservation of the Holy Fire, which

(b) *Virgil Aeneid. lib. 2. verse 297.* (c) *Plutarch. & Dionysius.*

Numa,

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Numa, fanſying Fire to be the firſt Principle of all things, committed to their Charge. *Ovid* tells us, that they underſtood nothing elſe but Fire by *Veſta* her ſelf.

Nec tu aliud Veſtam quàm vivam intellige flammam (a)

Tho' ſometimes he makes her the ſame as the Earth.

— *Tellus Veſtaq; numen idem eſt.* (b)

Polydore Virgil reconciles the Two Names by obſerving, that Fire, or the natural heat by which all things are produc'd, is enclōs'd in the Earth. (c)

They were oblig'd to keep this Fire with all the care in the World; and if it happen'd to go out; 'twas thought Impiety to light it at any common Flame, but they made uſe of the pure and unpolluted Rays of the Sun. (d) Every Year on the firſt of *March*, whether it had gone out or no, they always lighted it anew. (e) There were other Relicks and Holy Things under their Care, of which we have very uncertain Accounts; particularly the famous *Palladium* brought from *Troy* by *Æneas*; for *Ulyſſes* and *Diomedes* ſtole only a counterfeit one, a Copy of the other, which was kept with leſs care.

Dionyſius and *Plutarch* aſſure us, that *Numa* conſtituted only Four Virgins for this Service; and that the ſame number remain'd ever after. And therefore a great Antiquary is certainly miſtaken when he makes the Number increas'd to Twenty. (f)

They were admitted into this Society between the Years of Six and Ten; and were not properly ſaid to be elected or created, but *Captæ*, taken; the *Pontifex Maximus* taking her that he lik'd by the Hand, and leading her, as it were by force, from her Parents. (g)

The chief Rules preſcrib'd them by their Founder, were to Vow the ſtricteſt Chſtity for the ſpace of Thirty Years. The firſt Ten they were only Novices, oblig'd to learn the Ceremonies, and perfect themſelves in the Duties of their Religion. The next Ten Years they actually diſcharg'd the Sacerdotal Function; and ſpent the remaining Ten in teaching and inſtructing others. After this Term was completed, they had liberty to leave the

(a) *Feſt. 6. ver. 291.* (b) *Feſt. 6. ver. 460.* (c) *De Invent. Rer. lib. 4. cap. 14.* (d) *Plutarch. in Num.* (e) *Alex. ab Alex. lib. 5. cap. 12. Macrob. Saturnal. lib. 1. cap. 12.* (f) *Alex. ab Alex. ibid.* (g) *A Gell. lib. 1. cap. 12.*

Order

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Order, and choſe any Condition of Life that beſt ſuited with their Inclinations: Tho' this was couſider'd unlucky, and therefore ſeldom put in practice. Upon Commiſſion of any leſſer Faults, they were puniſh'd as the *Pontifex Maximus* (who had the care of them) thought fit. But if they broke their Vow of Virginity, they were conſtantly buried alive in a place without the City-Walls, allotted for that peculiar uſe, (a) and thence call'd *Campus Sceleratus*, as *Feflus* informs us.

But this ſevere Condition was recompenc'd with ſeveral Privileges and Prerogatives. Whenever they went abroad, they had the *Faſces* carried before them, (b) a Conſul, or the *Prætor* being oblig'd to give them the way. (c) And if in their Walk they caſually lighted upon a Malefactor leading to Execution, they had the favour to deliver him from the Hands of Juſtice, provided they made Oath that their meeting was purely accidental, without any Contract or Deſign. (d)

(a) *Plutarch. in Num.* (b) *Ibid.* (c) *Alex. ab Alex. lib. 5. cap. 12.* (d) *Plutarch. ibid. Num.*

C H A P. VII.

Of the Duumviri, Decemviri and Quindecemviri, Keepers of the Sibylline Writings, and of the Corybantes or Priests of Cybele, and the Epulones.

THE firſt of theſe Orders, famous only on account of the Relicks they preſerv'd, owe their Original to this occaſion.

A ſtrange old Woman came once to *Tarquinius Superbus* with Nine Books; which, ſhe ſaid, were the Oracles of the *Sibyls*, and proffer'd to ſell them. But the King making ſome ſcruple about the price, ſhe went away and burnt Three of them; and returning with the Six, ask'd the ſame Summ as before. *Tarquin* only laugh'd at the Humour, Upon which the old Woman left him once more; and after ſhe had burnt Three others, came again with them that were left, but ſtill kept to her old Terms. The King begun now to wonder at her obſtinacy, and thinking there

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there might be something more than ordinary in the Business, sent for the *Augurs* to consult what was to be done. They, when their Divinations were perform'd, soon acquainted him what a piece of Impiety he had been guilty of, by refusing a Treasure sent to him from Heaven, and commanded him to give whatever he demanded for the Books that remain'd. The Woman receiv'd her Money, and deliver'd the Writings; and only charging them by all means to keep them Sacred, immediately vanish'd. Two of the Nobility were presently after, chose to be the Keepers of these Oracles, which were laid up with all imaginable care in the *Capitol*, in a Chest under Ground. They could not be consulted without a special Order of the Senate, which was never granted, unless upon the receiving some notable defeat, upon the rising of any considerable Mutiny, or Sedition in the State, or upon some other extraordinary occasion; (a) several of which we meet with in *Livy*. (b)

The number of Priests, in this, as in most other Orders, was several times alter'd. The *Duumviri* continu'd till about the Year of the City 388. when the Tribunes of the People perfer'd a Law, that there should be Ten Men elected for this Service, part out of the Nobility,

and part out of the Commons. We meet with the *Decemviri* all along from hence, till about the time *Sylla* the Dictator, when the *Quindecemviri* occur: Which addition of Five Persons may with very good reason, be attributed to him, who encreas'd so many of the other Orders. 'Twere needless to give any farther account of the *Sibyls*, than that they are generally agreed to have been Ten in number; for which we have the Authority of *Varro*; tho' some make them Nine, some Four, some Three, and some only One. (c) They all liv'd in different Ages and Countries, were all Prophetesses; and, if we believe the common Opinion, foretold the coming of our Saviour. As to the Writing, *Dempster* tells us, 'twas in Linnen. (d) But one would think the common Phrase of *Folia Sibyllæ* us'd by *Virgil*, *Horace*, and other credible Authors, should argue, that they wrote their Prophecies in Leaves of Trees; especially if we consider the great Antiquity which is generally allow'd them, and are assur'd at the same time by *Pliny*, (e) that this was the oldest way of writing.

(a) *Dionys. Antiq. lib. 4.* (b) particularly *Lib. 3. cap. 10. Lib. 5. cap. 13. lib. 7. cap. 28. Lib. 4. cap. 21.* (c) *Vid. Dempster ad Rosin. lib. 3. cap. 24.* (d) *Ibid.* (e) *Lib. 33. cap. 11.*

Solinus

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Solinus acquaints us, That these Books, which *Tarquin* bought, were burnt in the Conflagration of the *Capitol*, the Year before *Sylla's* Dictatorship. (a) Yet there were others of their inspir'd Writings, or at least Copies or Extracts of them, gather'd up in *Greece* and other parts, upon a special search made by Order of the Senate; which were kept with the same Superstition as the former, 'till about the time of *Theodosius* the Great, when the greatest part of the Senate having embrac'd the Christian Faith, such Vanities begun to grow out of fashion; 'till at last *Stilicho* burnt them all under *Honorius*: For which he is so severely censur'd by the noble Poet *Rutilius* in his ingenious *Itinerary*.

*Nec tantum Geticis grassatus proditor armis,
Antè Sibyllinæ fata cremavit Opis.
Odimus Althæam consumpti funere torris;
Nisæum crimen flere putantur aves.
At Stilicho æterni fatalia pignora libri,
Et plenas voluit precipitare colus.*

Nor only Roman Arms the Wretch betray'd
To barbarous Foes; before that curst Deed,
He burnt the Writings of the sacred Maid.
We hate *Althæa* for the fatal Brand;
When *Nisus* fell, the weeping Birds complain'd:
More cruel he than the revengeful Fair;
More cruel he than *Nisus's* Murderer;
Whose impious Hands into the Flames have thrown
The heavenly Pledges of the Roman Crown,
Unrav'ling all the Doom that careful Fate had spun.

Among all the Religious Orders, as we meet with none oftner in Authors; so there were none of such an extravagant Constitution as the Priests of *Cybele*. We find them under the different Names of *Curetes*, *Corybantes*, *Galli*, and *Idæi Dactyli*; but can get scarce one tolerable Etymology of either. As for *Cybele* herself, she is generally taken for the Earth, and is the same with *Rhea*, *Ops*, *Berecynthia*, the *Idean Mother*, the *Mother of the Gods*; and the Great Goddess. She was invited and receiv'd into *Rome*, from *Pesinus* in *Galatia*, with great solemnity, upon Advice of the *Sibylline* Oracles. (c)

(a) *Polyb. Hist. cap. 8.* (b) *Vide Dionys. Antiq. lib. 4.* (c) *Livy: lib. 29. cap. 14.*

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But

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But to return to her Priests: We find little of any certainty about them, only that they were all Eunuchs, and by Nation *Phyrgians*; and that in their solemn Processions they danced in Armour, making a confus'd noise with Timbrels, Pipes, and Cymbals; howling all the while as if they were mad, and cutting themselves as they went along. One would little think that this was the Goddess who requir'd such a sacred Silence in her Mysteries, as *Virgil* (a) wou'd persuade us she did. And the best we could suppose at the sight of this Bawling Retinue, is, that they were going to settle a Swarm of Bees; for which Service the same Poet recommends the use of the Cymbals of *Cybele*. (b)

But we can't have a better Relation of the original, and the manner of their strange Solemnity, than what *Lucretius* has given us in his Second Book:

*Hanc variae gentes antiquo more Sacrorum
Ideam vocitant Matrem, Phrygiaeque catervas
Dant Comites, quia primum ex illis finibus edunt
Per terrarum Orbem fruges capisse creari.
Gallos attribunt, quia numen qui violarint
Matris, & ingrati genitoribus inventi sunt,
Significare volunt indignos esse putandos
Vitam progeniem qui in oras luminis edant.
Tympana iuncta tonant palmis & cymbala circum
Concava, raucifonoque minantur cornua cantu,
Et Phrygio stimulat numero cava tibia mentes;
Telaque praeporant violenti signa furoris,
Ingratos animos, atque impia pectora volgi
Conterreere metu quae possint numine divae.*

*Hic armata manus (Curetas nomine Graii
Quos memorant Phrygios) inter se forte catervis
Ludunt, in numerumque exsultant sanguine fleti:
Terrificas capitum quatientes numine cristas.
Dicit eos referunt Curetas: qui Jovis illum
Vagitus in Creta quondam occultasse feruntur,
Cum pueri circum puerum pernice chorea
Armati in numerum pulsarent aribus ara,
Ne Saturnus eum malis mandaret adeptus,
Aeternumque daret matri sub pectore vulnus.*

(a) *Aeneid*. 3. (b) *Georg.* 4.

Con-

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Concerning her fond Superstition, frames
A thousand odd Conceits, a thousand Names,
And gives her a large Train of *Phrygian* Dames:
Because in *Phrygia* Corn at first took birth,
And thence 'twas scatter'd o'er the other Earth.
They Eunuch all her Priests; from whence 'tis shown
That they deserve no Children of their own,
Who or abuse their Sires, or disrespect,
Or treat their Mothers with a cold Neglect;
Their Mothers whom they should adore---
Amidst her Pomp fierce Drums and Cymbals bear,
And the hoarse Horns with rattling Nores do threat.
The pipe with *Phrygian* Airs disturbs their Souls,
'Till reason overthrown made Passion rules.
They carry Arms, those dreadful Signs of War,
To raise i'th' impious Rout religious Fear.

Here some in Arms dance round among the Crowd,
Look dreadful gay in their own sparkling Blood,
Their Crests still shaking with a dreadful Nod.
These represent those armed Priests who strove
To drown the tender Cries of Infant-Jove:
By dancing quick they made a greater sound,
And beat their Armour as they danc'd around,
Lest *Saturn* should have found, and eat the Boy,
And *Ops* for ever mourn'd her prattling Joy*.

[* *Mr. Creech*.

But we must not omit a more Comical, tho' a shorter, account that we have of them in *Juvenal*:

-----*Matrisque Deum chorus intrat, & ingens
Semivir obsceno facies reverenda minori,
Mollia qui rupta secuit genitalia testâ,
Jampridem cui rauca cohors, cui tympana cedunt
Plebeia---* (a)

And *Cybele's* Priests, an Eunuch at their Head,
About the Streets a mad Procession led;
The venerable Guelding, large and high,
O'erlooks the Herd of his inferiour Fry:

(a) *Sat.* 6.

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His

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His awkward Clergymen about him prance,
And beat their Timbrels to their mystick Dance*.

[*Mr. Dryden.

The *Epulones* at their first creation, *Livy* (a) assures us were only Three: Soon after, they were increas'd to Seven; whence they are commonly call'd *Septemviri Epulonum*; and some report that *Julius Caesar*, by adding Three more, chang'd them to a *Decemvirate*. They had their Name from a Custom which obtain'd among the *Romans*, to pacifie the Gods, by making a sumptuous Feast in their Temples, to which they did, as it were, invite the Deities themselves. For their Statues were brought on Rich Beds, with their *Pulvinaria* too, or Pillows and plac'd at the most honourable part of the Table as the Principal Guests. These *Regalia's* they call'd *Epula*, or *Lectisternia*; the care of which belong'd to the *Epulones*.

(a) *Lib. 33.*

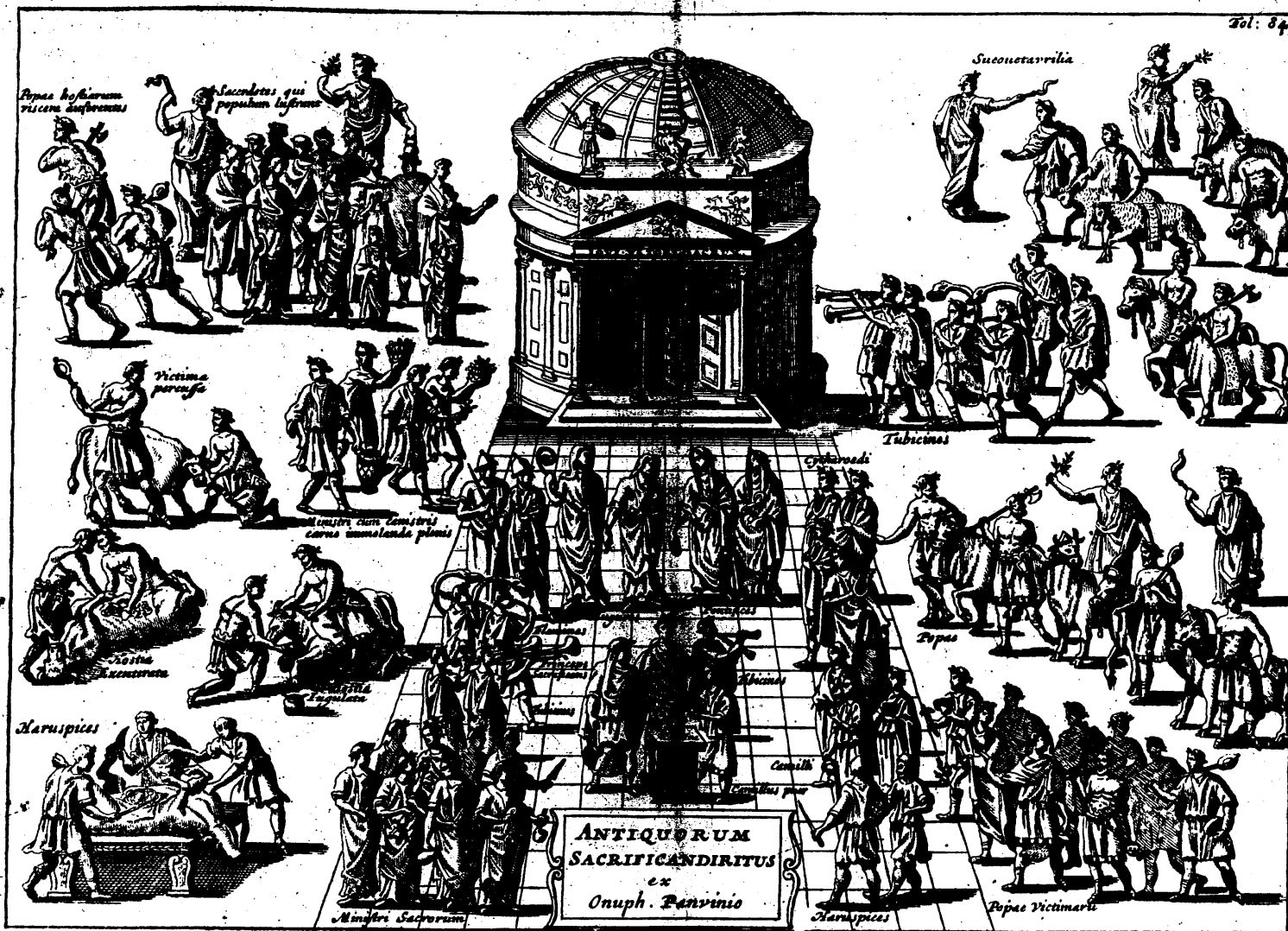
C H A P. VIII. *Of the Roman Sacrifices.*

THE Word *Sacrificium* more properly signifies the Thing offer'd, than the action of Offering. The two common Words to express the former, were *Vistima* and *Hostia*; which though they are very often confounded, yet by the first Word are properly meant the greater sort of Sacrifices, by the other the less.

Tho' every Deity had some peculiar Rites and Institutions, and consequently different sorts of Sacrifices, in which the greatest part of the publick Worship then consist'd; yet there were some standing Rules and Ceremonies to be observ'd in all.

The Priest (and sometimes the Person that gave the Victim) went before in a white Garment free from all Spots and Figures: For *Cicero* tells us, that White is the most acceptable Colour to the Gods; I suppose because it seems to denote Purity and Innocence.

The



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The Beast to be sacrific'd, if 'twas of the larger sort, us'd to be mark'd on the Horns with Gold; if of the lesser sort, it was crown'd with the Leaves of that Tree which the Deity was thought most to delight in, for whom the Sacrifice was design'd. And besides these, they wore the *Insula* and *Vitta*, a sort of white Fillers about their Head.

Before the Procession, went a publick Crier, proclaiming *Hoc* age to the People, to give them notice that they should forbear Working, and attend at the Solemnity. The Pipers and Harpers too were the Fore-runners of the Show; and what time they could spare from their Instruments, was spent in assisting the Crier to admonish the People. The Sacrifice being brought to the Altar, the Priest took hold of the Altar with one Hand, and usher'd in the Solemnity with a Prayer to all the Gods; mentioning *Janus* and *Vesta* always first and last, as if through them they had access to the rest. During the Prayer, some publick Officer was to command the strictest silence, for which the common expression was, *Favete linguis*, a Phrase us'd by *Horace*, (a) *Juvenal*, (b) *Tibullus*, (c) &c. And the Piper play'd all the while, to hinder the hearing of any unlucky Noise. After his Prayer, the Priest began the Sacrifice with what they call'd *Immolatio* (though by *Synecdoche*, the Word is often taken for the whole Act of Sacrificing) the throwing some sort of Corn and Frankincense, together with the *Mola*, i. e. Bran or Meal mix'd with Salt, upon the Head of the Beast. In the next place, he sprinkled Wine between the Horns; a Custom very often taken notice of by the Poets; So *Virgil*:

*Ipsa tenens dextrâ pateram pulcherrima Dido
Candentis vacce media inter cornua fundit (d)*

O'er the white Heifer's Horns, the beauteous Queen
Holds the rich Plate, and pours the Wine between.

And *Ovid* more expressly:

*Rode caper vitem, tamen hinc, cum stabis ad aras,
In tua quod fundi cornua possit, erit. (e)*
Go, wanton Goat, about the Vineyard browse
On the young Shoots, and stop the rising Juice;
You'll leave enough to pour between your Horns,
When for your sake the hallow'd Altar burns.

(a) *lib.* 3. *Od.* 1. (b) *Sat.* 12. (c) *Lib.* 2. *Eleg.* 1. (d) *Ænid.* 4. v. 60. (e) *Faß.* 1.
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But before he pour'd the Wine on the Beast, he put the Plate to his own Mouth, and just touch'd it with his Lips, giving it to those that stood near him to do the like. This they term'd *Libatio*.

In the next place, he pluck'd off some of the roughest Hairs growing between the Horns of the Beast, and threw them into the Fire, as the *prima Libamina*.

*Et summas capiens media inter cornua fetas
Ignibus imponit sacris, libamina prima. (a)*

The bristling Hairs that on the Forehead grew,
As the first Offering on the Fire she threw.

And now turning himself to the East, he only made a sort of crooked Line with his Knife from the Forehead to the Tail; and then deliver'd the Beast to the publick Servants to kill. We find these inferiour Officers under the several Names of *Popeæ*, *Agones*, *Cultrarii*, and *Victimarii*: Their Business, besides the killing of the Beast, was to take off his Skin, to bowel him, and to wash the whole Body. Then the *Aruspex* his Duty came in place, to search the Entrails for good or bad Omens. When this was over, the Priests had nothing else to do, but to lay what Parts they thought fittest for the Gods upon the Altars, and to go and regale themselves upon the rest. See *Alex. ab Alex. lib 4. cap. 17.*

(a) *Æneid. 6. v. 246.*

CHAP. IX.

Of the Roman Year.

WE meet with three accounts in use at several times among the Romans; which owe their Original to *Romulus*, *Numa*, and *Julius Cæsar*. *Romulus* divided his Year into Ten Months, which *Plutarch* would persuade us had no certain or equal Term, but consisted some of Twenty Days, some of Thirty five, and

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and some of more. (a) But he is generally allow'd to have settled the number of Days with a great deal more equality, allotting to *March*, *May*, *Quintilis*, and *October*, One and thirty Days: to *April*, *June*, *Sextilis*, *November*, and *December*, Thirty; making up in all, Three hundred and four Days: (b)

Scilicet arma magis quam sidera, Romule, noras!

Scaliger indeed is very angry that People should think the Romans had ever any other account than by Twelve Months: (c) But 'tis probable that the Testimonies of *Varro*, *Macrobius*, *Censorinus*, *Ovid*, &c. will over-rule the bare Words of *Licinius Macer*, and the counterfeit *Fenestella*, which are all he produces. As to the Names of *Romulus's* Months, the first to be sure was consecrated to *Mars*, the Father of the State. The next too may be fetch'd from *Venus*, the other Guardian and Parent of the Romans, if we admit of the allusion between the Word *Aprilis*, and *Aperisim*, her Name in Greek: Though 'tis generally deriv'd from *Aperio*, to open, because this is the chief part of the Spring in which the Buds and Flowers open and disclose themselves. (d) May he named so from *Maia* the Mother of *Mercury*, according to *Plutarch* (e) though *Macrobius* makes the *Maia*, to whom *May* was dedicated, the same as *Rhea*, *Ops*, or the *Earth*, and different from *Mercury's* Mother. (f) *Ovid* brings it à *Senibus*, i. e. à *Majoribus*. (g) *June* either comes from *Juventus*, because this is the youthful and gay part of the Year; (h) or else 'tis a contraction of *Junonius*, and dedicated to the Goddess *Junio*. (i) The other Months he denominated as they stood in order: So *Quintilis* is no more than the Fifth Month, *Sextilis* than the Sixth; and so on: But these two afterwards chang'd their Names to *July* and *August*, in honour of *Julius Cæsar* and his Successor *Augustus*. As *Nero* had afterwards call'd *April* *Neroneus* (k) so *Plutarch* tells us, that *Domitian* too, in imitation of them, gave the Two Months, immediately following, the Names of *Germanicus* and *Domitianus*; but he being slain, they recover'd their old Denominations (l).

Numa was a little better acquainted with the Cœlestial Motions than his Predecessor; and therefore undertaking to reform the *Kalendar*, in the first place he added the Two Months of *January*

(a) *Plut. in Numa.* (b) *Macrobi. Saturn. lib. 1. cap. 12.* (c) *Censorin. de die Nat. lib. 1. cap. 20. &c.* (d) *De Emendat. Tempor. lib. 2.* (e) *Plut. in Num.* (f) *Macrobi. Saturn. lib. 1. cap. 12.* (g) *Fast. 1. v. 41.* (h) *Plut. in Num.* (i) *Macrobi. ubi supra.* (k) *Suet. in Ner. cap. 55.* (l) *Plut. in Num.*

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and *February*; the first of which he dedicated to the God *Janus*; the other took its Name from *Februus*, to purifie, because the Feasts of Purification were celebrated in that Month. (a) To compose these Two Months, he put Fifty Days to the old Three hundred and four, to make them answer the Course of the Moon; and then took Six more from the Six Months that had even Days, adding One odd day more than he ought to have done, meerly ought of Superstition, and to make the number fortunate. However, he could get but Eight and twenty Days for *February*; and therefore that Month was always counted unlucky. (b) Besides this, he observ'd the difference between the Solar and the Lunar Course to be Eleven Days; and to remedy the inequality, he doubled those Days; after every two Years, added an interstitial Month to follow *February*, which *Plutarch* calls in one place *Mercidinus*, (c) and in another *Mercidonus*. (d) But the care of this Intercalation being left to the Priests, they clapp'd in, or left out, the Month whenever they pleas'd, as they fancied lucky, or unlucky, and so made such mad work, that the Festivals and solemn Days for Sacrifice, were remov'd by little and little, 'till at last they came to be kept at a Season quite contrary to what they had been formerly. (e)

Julius Caesar was the first, that undertook to remedy this disorder; and to this purpose he call'd in the best Philosophers and Mathematicians of his time, to settle the point. In order to bringing matters right, he was forc'd to make one confus'd Year of Fifteen Months, and Four hundred forty five Days; but to preserve a due Regulation for the future, he quite took away the Intercalary Months; and adding Ten Days to *Numa's* Three hundred fifty five, equall'd them to the Course of the Sun, except Six odd Hours. The Ten Days he distributed among those Seven Months that had before but Nine and twenty; and as for the Six Hours, he order'd them to be let alone 'till they made up a whole Day; and to every Fourth Year he put in the same place where the Month us'd to be inserted before; (f) and that was just Five Days before the end of *February*, or next before the Sixth of the Calends of *March*. For this reason, the super-numerary Day had the Name of *Dies bissextus*; and thence the Leap-Year came to be call'd *Annus Bissextilis*.

But the Priests, who had been the Authors of the old Confusion, committed as great a Blunder in the New Computation,

(a) *Ibid.* (b) *Censorin. de die Natali, cap. 20.* (c) *In Num.* (d) *In Jul. Cas.* (e) *In Jul. Cas.* (f) *Censorin, cap. 20.*

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by interposing the Leap-Day at the Beginning of every Fourth Year, instead of the End; 'till *Augustus Caesar* brought it into the Right Course again, (a) in which it has continu'd ever since, and is follow'd by a great part of *Europe* at this Day.

Yet because there wanted Eleven Minutes in the Six odd Hours of *Julius's* Year, the *Equinoxes* and *Solstices* losing something continually, were found, about the Year 1582. to have run back Ten whole Days: For which reason, *Pope Gregory* at that time undertook a New Reformation of the Kalendar, cutting off Ten Days to bring them to their proper places. This Account they call the *Gregorian*, or New Style, which is observ'd too in many parts of *Europe*.

(a) *Macrob. Sat. lib. 1. cap. 14. Sueton. in August. cap. 31.*

CHAP. X.

The Distinction of the Roman Days.

WHEN *Numa* divided the Year into Twelve Months, he made a distinction too in the Days, ranking them in these three Orders: *Dies Festi, Profesti*, and *Intercisi*.

The first sort was consecrated to the Gods.

The second allotted for the Civil Business of Men.

The third divided between sacred and ordinary Employments.

The *Dies festi* were set a-part for the Celebration of these Four Solemnities: *Sacrificia, Epula, Ludi*, and *Feria*.

Sacrificia, were no more than publick Sacrifices to the Gods.

Epula, were a sort of Banquets celebrated to the Honour of the Deities.

Ludi, were publick Sports instituted with the same Design.

Feria, were either publick or private.

The Publick were of four sorts: *Stativa, Conceptiva, Imperativa*, and *Nundina*.

Feria Stativa, were publick Feasts kept by the whole City, according to the set time mark'd in the Kalendar for their Observation; as the *Agonalia, Carmentalia, Lupercalia*, &c.

Feria

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Feriae Conceptivæ, were such as the Magistrates, or Priests, appointed annually to be celebrated upon what Days they pleas'd; as the *Latinae*, *Paganalia*, *Compitalia*, &c.

Feriae Imperativæ, were such as the Consuls, Prætors, or Dictators, instituted by virtue of their own Authority, and commanded to be observ'd upon solemn Occasions, as the gaining of a Victory, and the like.

Nundinae, were Days set apart for the concourse of the People out of the Country and neighbouring Towns, to expose their Commodities to sale, the same as our greater Markets or Fairs. They had the Name of *Nundinae*, because they were kept every Ninth Day, as *Ovid* informs us. (a) It must be remembred, that though the *Nundinae* at first were of the number of the *Feriae*, yet they were afterwards by a Law declar'd to be *dies Fasti*, that the Country People might not be hindred in their work, but might at the same time perform their Business of Market and Sale, and also have their Controversies and Causes decided by the *Prætor*; whereas otherwise they must have been forc'd to come to Town again upon the usual Court-days.

Feriae privatae, were Holydays observ'd by particular Persons or Families upon several Accounts; as Birth-days, Funerals, and the like.

Thus much for the *Dies Festi*.

The *Profesti*, were *Fasti*, *Comitiales*, *Comperendini*, *Stati*, and *Præliares*.

Dies Fasti, were the same as our Court days; upon which it was lawful for the *Prætor* to sit in Judgment, and consequently *Fari tria verba*, to say the Three solemn Words. *Do, Dico, Addico*, I give Laws, declare Right, and adjudge Losses. All other Days, (except the *intercisi*) were call'd *Nefasti*; because 'twas not lawful to say those Three Words upon them; that is, the Courts were not open. But we may observe from a Phrase of *Horace*, (b) that *Dies nefastus* signifies an unlucky Day, as well as a Non-Court-day.

Dies Comitiales, were such Days as the *Comitia*, or publick Assemblies of the People were held upon: Or, as *Ovid* styles them:

-----*Quo populum jus est includere septis.* (c)

(a) *Fasti*. 1. vers. 54. (b) *Lib.* 2. *Od.* 13. (c) *Fasti*. 1. vers. 53.

Days

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Days when the People are shut up to vote.

Dies Comperendini, were Days when Persons that had been su'd might give Bail.

Dies Stati, were Days appointed for the decision of any Cause between a Roman and a Foreigner.

Dies Præliares, were such Days as they thought it lawful to engage in any Action of Hostility upon: For during the time of some particular Feasts, as the *Saturnalia*, the *Latinae*, and that which they call'd *Cum mundus patet*, consecrated to *Dis* and *Proserpine*, they reckon'd it a peice of Impiety, to raise, march, or exercise their Men, or to encounter with the Enemy, unless first attack'd.

If we make a Division of the Roman Days into Fortunate and Unfortunate; *Dies Postriduani*, or the next Day after the Kalends, Nones, or Ides, were always reckon'd of the latter sort; and therefore had the Name of *Dies Attri*.

A. Gellius gives us the reason of this Observation from *Verrius Flaccus*, because they had taken notice for several Ages, that those Days had prov'd unlucky to the State in the loss of Battels, Towns, and other Casualties. (a)

He tells us in the same place, That the Day before the fourth of the Kalends, Nones, or Ides, was always reckon'd unfortunate; but he does not know for what reason, unless that he finds the great overthrow at *Canne* to have happen'd on such a Day.

(a) *Noth. Attic. lib.* 5. cap. 17.

CH A P. XI.

Of the Kalends, Nones, and Ides.

THE way that the Romans us'd to reckon the Days of their Months was by the Kalends, Nones, and Ides. *Romulus* begun his Months always upon the first day of the new Moon, and was follow'd in this, by the Authors of the other accounts, to avoid the altering of the immoveable Feasts. Therefore every new Moon, one of the inferiour Priests us'd to assemble the

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the People in the Capitol, and call over as many Days as there were between that and the Nones : And so from the old Word *Calo*, or the Greek *καλῶ*, to call, the first of these Days had the Name of *Kalendæ*. But we must remember, that this custom of calling the Days continu'd no longer than the Year of the City 450, when C. *Flavius* the *Curule Ædile*, order'd the *Fasts*, or *Kalendar*, to be set up in publick Places, that every Body might know the difference of times, and the return of the Festivals. (a)

The Nones were so call'd because they reckon'd Nine Days from them to the Ides.

The Ides were generally about the middle of the Month, and then we may derive the Word from *idurare*, an obsolete Verb, signifying to divide.

The Kalends were always fixt to the first day of every Month; but the Nones and the Ides in Four Months were on different Days than in the other Eight. For *March*, *May*, *July*, and *October* had Six Nones a piece, the other only Four. Therefore in the first, the Nones were the 7th, and the Ides the 15th; in the last, the Nones the 5th, and the Ides the 13th.

In reckoning these, they alwaies went backwards. Thus *January 1.* was the first of the *Kalends* of *January*: *December 31.* *Prid. Kal. Jan.* *December 30.* the third *Kal. Jan.* and so on to the 13th; and that was *Idus Decembris*; then the 12. *Prid. Iduum Decemb.* the 11th, 3 *Iduum Decemb.* and so to the fifth Day, and that was *Nona Decemb.* And then again the 4th *Prid. Nonarum Decemb.* the third 3 *Non. Decemb.* the second 4 *Non. Decem.* and the first *Kalendæ Decemb.*

We must observe, that when we meet with *Kalendas*, *Nonas*, or *Idus* in the Accusative Case, the Preposition *ante* is always understood : As *tertio Kalendas*, *Idus* or *Nonas*, is the same as *tertio die ante Kal. Non. or Idus*.

(a) *Livy, lib. 5. cap. 46.*

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CHAP. XII.

The most Remarkable Festivals of the Romans as they stand in the Kalendar.

THE *Kalends*, or the first day of *January* was noted for the entering of the Magistrates on their Office; and for the wishing of good Fortune, and sending Presents to one another among Friends. (a)

February the 15th, or the Fifteenth of the *Kalends* of *March* was the Feast of the *Lupercalia*, when the *Luperci* made their wild Procession, (b) which has been describ'd before. *February* the 11th, or the third of the *Ides*, was the *Feralia*, or Feast in honour of the Ghosts; when People carried some little sort of Offering to the Graves of their deceas'd Friends. *Ovid* gives us so handsome an account of it, that we must not pass him by.

Est honor Stumulis, animas placare paternas, (c)

Parvaq; in exstructis munera ferre pyras.

Parva petunt manes: pietas pro divite grata est

Munere, non avidos Styx habet ima Deos.

Tegula porrectis satis est velata coronis,

Et sparse fruges, parvaq; mica salis.

Tombs have their Honours too : Our Parents crave

Some slender Present to adorn their Grave.

Slender the Present which the Ghosts we owe;

Those Powers observe not what we give, but how;

No greedy Souls disturb the happy Seats below.

They only ask a Tile with Garlands crown'd,

And Fruit and Salt to scatter on the Ground.

The Day after the *Feralia*, was the *Charistia* or Festival of Love, when all the Relations in every Family met together and had a Feast.

The *Kalends* of *March* was the *Matronalia*, a Feast kept by the Roman Matrons to the Honour of *Mars*; to whom they

(a) *Ovid. Fast. 1. v. 71, &c.* (b) *Ovid. Fast. 2. v. 267, &c.* (c) *Ibid. v. 533, &c.* thought

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thought themselves oblig'd for the Happiness of bearing of good Children; a Favour which he first conferr'd on his own Mistress, *Rhea*. (a)

On the same Day began the solemn Feast of the *Salii*, and their Procession with the *Ancylia*, which have been spoken of before.

The *Ides of March* was the Feast of *Anna Perenna*; in Honour either of the Sister of *Dido*, who fled into *Italy* to *Aeneas*; or of one *Anna*, an old Gentlewoman, that, in a great Dearth at *Rome*, for some time furnish'd the common People with Corn out of her own Store. The Celebration of this Day consisted in drinking and Feasting largely among Friends. The common People met for this purpose in the Fields near the *Tiber*, and, building themselves Booths and Arbours, kept the Day with all manner of Sports and Jollity; wishing one another to live as many Years as they drunk Cups. (b)

The same Day was by a Decree of Senate order'd to be call'd *Parricidium* from the Murder of *Julius Caesar* which happen'd on it. (c) *Appian*, in his Second Book, tells us of a very different Law that *Dolabella* the Consul would have prefer'd upon this occasion; and that was, to have the Day call'd ever after, *Natalis Urbis* (the Birth day of the City;) as if their Liberty had reviv'd upon the Death of *Caesar*.

March the 19th, or the 14th of the Kalends of *April*, begun the *Quinquatrus*, or *Quinquatria*, the Feast of *Minerva*, continuing Five Days. 'Twas during this Solemnity, that the Boys and Girls us'd to pray to the Goddesses for Wisdom and Learning, of which she had the Patronage: To which Custom *Juvenal* alludes.

*Eloquium & famam Demosthenis aut Ciceronis
Incipit optare, & totis Quinquatribus optat. (d)*

To rival Tully or Demosthenes,
Begins to wish in the *Quinquatrian* Days,
And wishes all the Feast —

April the 19th, or the 13th of the Kalends of *May*, was the *Cerealia*, or Feast of *Ceres*, in which Solemnity the chief Actors were the Women. No person that mourn'd was allow'd to bear

(a) *Ovid. Fast. 3. v. 233. (b) Ibid. v. 523. &c. (c) Sueton. in Jul. cap. 88. (d) Sat. 10.*

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a part in this Service; and therefore 'tis very remarkable, that upon the defeat at *Canna*, there was such an universal Grief in the City, that the Anniversary Feast of *Ceres* was forc'd to be omitted. (a)

April the 21st, or the 11th of the Kalends of *May* was the *Parilia*, or Feast of *Pales*, Goddesses of Shepherds. This is sometimes call'd *Parilia à pariendo*, because Prayers were now made for the fruitfulness of the Sheep. *Ovid* tells us a very tedious course of Superstition that the Shepherds run through upon this Day. They always contriv'd to have a great Feast at Night; and when most of them were pretty merry, they concluded all with dancing over the Fires that they made in the Field with heaps of Strubble. (b)

The same Day was call'd *Urbis natalis*, being the Day on which the City was built. (c)

April the 25th, or the 7th of the Kalends of *May* was the *Robigalia*, or Feast of the Goddesses *Robigo*, or the God *Robigus*, who took care to keep off the Mildew and Blasting from the Corn and Fruit. (d)

April 29th, or the 5th of the Kalends of *May* was the *Floralia*, or Feast of *Flora*, Goddesses of Flowers, (e) when the publick Sports were celebrated that will be hereafter describ'd.

In the remaining part of the Year, we meet with no Festival of extraordinary note, except the *Poplifugium* and the *Saturnalia*.

The Original of the famous *Nonæ Caprotinae*, or *Poplifugium*, is doubly related by *Plutarch*, according to the Two common Opinions. First, because *Romulus* disappear'd on that Day, when an Assembly being held in the *Palus Capreae*, or *Goatmarsh*: on a sudden happen'd a most wonderful Tempest, accompanied with terrible Thunder, and other unusual Disorders in the Air. The common People fled all away to secure themselves: but after the Tempest was over, could never find their King. (f)

Or else from *Caprificus* a wild Fig-Tree, because in the *Gallie* War, a *Roman* Virgin, who was Prisoner in the Enemies Camp, taking the opportunity when she saw them one night in a disorder, got up into a wild Fig-tree, and holding out a lighted Torch toward the City, gave the *Romans* a Signal to fall on; which

(a) *Livy. lib. 22. (b) Ovid. Fast. 4. v. 721, &c. (c) Ibid. v. 806. (d) Ibid. v. 901. (e) Ibid. v. 943. (f) Plutarch. in Romul.*

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they did with such good Success as to gain a considerable Victory. (a)

The Original of the *Saturnalia*, as to the time, is unknown, *Macrob. lib. 1. cap. 7.* affuring us, that it was celebrated in *Italy* long before the building of *Rome*. (b) The Story of *Saturn*, in whose Honour it was kept, every Body is acquainted with. As to the manner of the Solemnity, besides the Sacrifices and other parts of publick Worship, there were several lesser Observations worth our notice. As the Liberty now allow'd to Servants to be free and merry with their Masters, so often alluded to in Authors. 'Tis probable this was done in Memory of the Liberty enjoy'd in the Golden Age under *Saturn*, before the Names of Servant or Master were known to the World. Besides this, they sent Presents to one another among Friends: No War was to be proclaim'd, and no Offender executed: The Schools kept a Vacation, and nothing but Mirth and Freedom was to be met with in the City. They kept at first only one Day, the 14th of the Kalends of *January*: But the number was afterwards encreas'd to Three, Four, Five, and some say Seven Days. (c)

(a) *Plutarch. in Romul. & in Camill.* (b) *Macrob. Saturn. lib. 1. cap. 7.* (c) *Lipf. Saturnal. lib. 1. cap. 3.*

PART

PART II.

BOOK III.

Of the Civil Government of the Romans.

CHAP I.

Of the general Divisions of the People.

ROMULUS, as soon as his City was tolerably well fill'd with Inhabitants, made a distinction of the People according to Honour and Quality; giving the better sort the Name of *Patres*, or *Patricii*, and the rest the common Title of *Plebeii*. To bind the Two Degrees more firmly together, he recommended to the *Patricians* some of the *Plebeians* to protect and countenance; the former being styl'd *Patroni*, and the others *Cientes*. The *Patrons*, were always their *Cientes* Counsellors in litigious Cases, their Advocates in Judgments; in short, their Advisers and Overseers in all Affairs whatever. On the other side, the *Cientes* faithfully serv'd their *Patrons*, not only paying them all imaginable respect and deference, but, if occasion requir'd, assisting them with Money towards the defraying of any extraordinary Charges. But afterwards, when the State grew rich and great, though all other good Offices continu'd between them, yet 'twas thought a dishonourable thing for the better Sort to take any Money of their Inferiours. (a)

(a) *Vide Dionys. lib. 2. Liv. lib. 1. Plutarch. in Romulo.*

The Division of the People into the three distinct Orders of *Senators*, *Knights*, and *Commons*, took its rise about the time of *Tarquin's* expulsion. The *Senators* were such Persons as had been promoted to sit in the Supreme Council of State, either out of the Nobility or *Commons*. If out of the latter Order, they had the honour of a Gold Ring, but not of a Horse kept at the Publick Charge; as *Manutius* has nicely observ'd. The *Knights* were such Persons as were allow'd a Gold-Ring and a Horse at the Publick Charge. The *Commons* were all the rest of the People, besides these Two Orders, including not only the inferiour Populacy, but such of the Nobility too as had not yet been elected *Senators*, and such of the Gentry as had not a compleat Knight's Estate: For Persons were admitted into the two higher Ranks according to their Fortunes; one that was worth Eight hundred *Sesteria*, was capable of being chose *Senator*; one that had Four hundred, might be taken into the *Equestrian* Order. *Augustus* afterwards alter'd the *Senatorial* State to Twelve thousand *Sesterces*; but the *Equestrian* continu'd the same.

The three common Terms by which the Knights are mention'd in *Roman* Authors, are *Eques*, *Equestris ordinis* and *Equestri loco natus*. Of which the two former are in all respects the very same. But the latter is properly applied to those *Equites*, whose Fathers were indeed of the same Order, but had never reach'd the *Senatorial* Dignity. For if their Fathers had been *Senators*, they would have been said to have been Born of the *Senatorial*, and not of the *Equestrian* rank. (a)

When we find the *Optimates* and the *Populares* oppos'd in Authors, we must suppose the former to have been those Persons, of what Rank so ever, who stood up for the Dignity of the chief Magistrates, and the rigorous Grandeur of the State; and who car'd not if the Inferior members suffer'd for the Advancement of the Commanding Powers. The latter we must take likewise, for those Persons of what Rank soever, who Court'd the favour of the *Commons*, by encouraging them to sue for greater Privileges, and to bring things nearer to a Level. For it would be unreasonable to make the same distinction betwixt these Parties, as *Sigonius*, and others lay down. "That the *Populares* were those who endeavour'd by their Words and Actions to Ingratiate themselves with the Multitude; and the *Optimates* those who so behav'd themselves in all Affairs, as to make their

(a) Vid. P. Manut. de Civ. Rom. p. 5.

" Conduct approv'd by every good Man. This explication agrees much better with the sound of the Words, than with the Sense of the things. For at this rate, the *Optimates* and the *Populares* will be only other Terms for the Virtuous and the Vicious; and it would be equally hard in such large divisions of Men, to acknowledge one side to have been wholly Honest, and to affirm the other to have been entirely Wicked. I know that this Opinion is built on the Authority of *Cicero*; but if we look on Him, not only as a prejudic'd Person, but as an Orator too, we shall not wonder, that in distinguishing the two Parties, he gave so infamous a Mark to the Enemies, and so honourable an one to his own. Otherwise, the Murderers of *Cesar*, (who were the *Optimates*,) must pass for Men of the highest probity; and the Followers of *Augustus*, (who were of the opposite Faction) must seem in general a pack of profligate Knaves. It would therefore be a much more moderate Judgement, to found the difference, rather on Policy than on Morality rather on the Principles of Government, than of Religion and Private Duty.

There's another common Division of the People into *Nobiles*, *Novi*, and *Ignobiles*, taken from the right of using Pictures, or Statues; an Honour only allow'd to such whole Ancestors or themselves had bore some *Curule* Office; that is, had been *Curule Edile*, *Censor*, *Prætor*, or *Consul*. He that had the Pictures, or Statues, of his Ancestors, was term'd *Nobilis*; he that had only his own, *Novus*; he that had neither, *Ignobilis*. So that *Jus imaginis* was much the same thing among them, as the Right of Bearing a Coat of Arms among us: And their *Novus Homo* is equivalent to our upstart Gentleman.

For a great while none but the *Patricii* were *Nobiles*, because no Person unless of that Superior Rank, could bear any *Curule* Office. Hence in many places of *Livy*, *Sallust* and other Authors, we find *Nobilitas* used for the *Patrician* Order, and so oppos'd to *Plebs*. But in after times, when the *Commons* obtain'd a right of enjoying those *Curule* Honours, they by the same means procur'd the title of *Nobiles*, and left it to their Posterity. (a)

Such Persons as were free of the City, are generally distinguish'd into *Ingenui*, *Liberti*, and *Libertini*. The *Ingenui* were such as had been born free, and of Parents that had been always free. The *Libertini* were the Children of such as had been

(a) Vid. Sigon. de Jur. Civ. Rom. l. 2. c. 20.

made free. *Liberti*, such as had been actually made free themselves.

The two common Ways of conferring Freedom, were by *Testament*, and by *Manumission*. A Slave was said to be free by *Testament*, when his Master, in consideration of his faithful Service, had left him free in his last Will: Of which Custom, we meet with abundance of Examples in every Historian.

These kind of *liberti* had the title of *Orcini* because their Masters were gone to *Orcus*. In allusion to which Custom, when after the Murther of *Julius Caesar*, a great number of unworthy Persons had thrust themselves into the Senate, without any just Pretensions, they were merrily distinguish'd by the Term of *Senatores Orcini*. (a)

The Ceremony of *Manumission* was thus perform'd: The Slave was brought before the Consul, and in after-times before the *Prætor*, by his Master, who laying his Hand upon his Servant's Head, said, to the *Prætor*, *Hunc hominem liberum esse volo*; and with that, let him go out of his Hand, which they term'd *è manu emittere*. Then the *Prætor* laying a Rod upon his Head, call'd *Vindicta*, said, *Dico eum liberum esse more Quiritum*. Hence *Perfius*,

Vindictâ postquam meus à Prætorè recessi.

After this the *Lictor* taking the Rod out of the *Prætor's* Hand, struck the Servant several Blows on the Head, Face, and Back; and nothing now remain'd but *Pileo donari*, to receive a Cap in token of Liberty, to have his Name enter'd in the Common Roll of Freemen, with the reason of his obtaining that Favour.

There was a third way of bestowing freedom, which we do not so often meet with in Authors; it was when a Slave by the consent and approbation of his Master, got his Name to be inserted in the *Censor's* Roll, such a Man was call'd *liber censu*; as the two already mention'd were *liber testamento* and *liber manumissione*.

(a) *Sueton. in Octav. cap. 35.*

CHAP. II.

Of the SENATE.

THE Chief Council of State, and, as it were, the Body of Magistrates, was the *Senate*; which as it has been generally reckon'd the Foundation and Support of the *Roman* Greatness; so it was one of the earliest Constitutions in the Republick: For *Romulus* first chose out a Hundred Persons of the best Repute for Birth, Wisdom, and Integrity of Manners, to assist him in the Management of Affairs, with the Name of *Senators*, or *Patres*, from their Age and Gravity; a Title as Honourable, and yet as little subject to Envy, as could possibly have been pitch'd upon. After the Admission of the *Sabines* into *Rome*, an equal number of that Nation were join'd to the former Hundred. (a) And *Tarquinius Priscus*, upon his first Accession to the Crown, to ingratiate himself with the Commons, order'd another Hundred to be selected out of that Body, for an addition to the *Senate*, (b) which before had been ever fill'd with Persons of the higher Ranks. *Sylla* the Dictator made them up above Four hundred; *Julius Caesar* Nine hundred; and in the time of the Second *Triumvirate*, there were above a Thousand; no distinction being made with respect to Merit or Quality. But this Disorder was afterwards rectified by *Augustus*, and a Reformation made in the *Senate*, according to the old Constitution. (c)

The right of naming *Senators* belong'd at first to the Kings; afterwards the *Consuls* chose, and referr'd them to the People for their Approbation: But at last the *Censors* engross'd the whole Privilege of conferring this Honour. He that stood first in the *Censor's* Roll, had the Honourable Title of *Princeps Senatûs*, (d) which he kept during Life: Yet the Chief Magistrates, as the *Consuls*, Dictator, &c. were always his Superiours in the House.

Besides the Estate of Eight hundred, or after *Augustus* of Twelve hundred *Señtias*, no Person was capable of this Dignity, but one that had already born some Magistracy in the Common-

(a) *Dionys. lib. 2.* (b) *Idem, lib. 3.* (c) *Sueton. in August. cap. 35.* (d) *Vid. A. Gell. lib. 3. cap. 18.*

wealth. And that there was a certain Age (even in later times) requir'd, is plain from the frequent use of *Ætas Senatoria* in Authors. *Dio Cassius* positively limits it to Five and twenty, (a) which was the soonest time any one could have discharged the *Quæstorship*, the first Office of any considerable Note: Yet we meet with very many Persons promoted to this Order, without any consideration had to their Years; as it usually happen'd in all other Honours whatever.

As to the general Title of *Patres Conscripti* given them in Authors, it was taken up as a mark of Distinction, proper to those Senators who were added to *Romulus's* Hundred, either by *Tarquinius Priscus*, or by the People upon the establishment of the Common-wealth: But in after-times, all the Number were promiscuously styl'd *Patres*, and *Patres Conscripti*.

We may take a farther View of the Senators, consider'd all together as a Council or Body.

The Magistrates, who had the Power of assembling the *Senators*, were only the *Dictator*, the *Consuls*, the *Prætors*, the *Tribunes* of the Commons, and the *Interrex*. Yet upon extraordinary accounts, the same Privilege was allow'd to the *Tribuni Militum*, invested with *Consulary Power*, and to the *Decemviri*, created for the regulating the Laws: And to other Magistrates chosen upon some unusual occasion. In the first times of the State, they were call'd together by a Publick Crier; but when the City grew larger, an Edict was publish'd to command their Meeting. (b)

The Places where they assembled were only such as had been formally consecrated by the *Augurs*, and most commonly within the City; only they made use of the Temple of *Bellona* without the Walls, for the giving Audience to foreign Ambassadors, and to such *Provincial Magistrates* as were to be heard in open *Senate*, before they entred the City; as when they petition'd for a Triumph, and the like cases. *Pliny* too has a very remarkable Observation, that whenever the *Augurs* reported that an *Ox* had spoke, which we often meet with among the ancient Prodigies, the *Senate* were presently to sit *sub Dio*, or in the open Air. (c)

As for the time of their Sitting, we must have recourse to the common distinction of *Senatus legitimus*, and *Senatus indictus*. The former was when the *Senate* met of course, upon such Days as the Laws or Custom oblig'd them to. These were the *Ka-*

(a) *Lib. 52.* (b) *P. Manut. de Senat. Rom.* (c) *Plin. Nat. Hist. lib. 8. cap. 45.*

lends, *Nones*, and *Ides* in every Month, 'till the time of *Augustus*, who confin'd them to the *Kalends* and *Ides*. In the Months of *September* and *October*, by an Order of the same Emperour, no Obligation was laid upon the Senators to appear, only so many of them as were requir'd by Law, to compose a fit number for the Management of any Business; and therefore all that time they took their Fortunes by Lott, as *Suetonius* informs us. (a) We may observe from the same Author, that the *Ides* of *March* (call'd *Parricidium*, from the Murder of *Julius Cæsar* which happen'd on it) was particularly excepted; and a Decree pass'd, That the *Senate* shou'd never meet on that Day for the future. (b)

Senatus indictus, was a *Senate* call'd for the dispatch of any Business upon any other Day, except the *Dies Comitiales*, when the *Senators* were oblig'd to be present at the *Comitia*.

As soon as the *Senate* was set, the *Consul*, or other supreme Magistrate, in the first place, perform'd some Divine Service, and then propos'd the Business to the House: Both which Actions they call'd *referre ad Senatum*. (c)

When he had open'd the Cause, he went round in order (beginning with the *Princeps Senatus*, or the *Design'd Consul*) and ask'd every body's Opinion; upon which, all that pleas'd, stood up, and gave their Judgment upon the Point.

'Tis very remarkable, that when any *Senator* was ask'd his Opinion, he had the privilege of Speaking as long as he pleas'd, as well about other Concerns as about the Matter in hand: And therefore when any particular Member had a Design to hinder the passing of any Decree, 'twas a common practice to protract his Speech, 'till 'twas too late to make any determination in the House.

When as many as thought fit had given their Judgments at large, the supreme Magistrate made a short Report of their several Opinions; and then in order to passing the Decree, order'd the *Senators* to divide, one Parry to one side of the House, and the opposite to the other. The number being now told, the major part determin'd the Case; and a *Senatus-consultum* was accordingly wrote by the publick Notaries at the feet of the Chief Magistrate, being subscrib'd by the principal Members that promot'd it.

But in Cases of little Concern, or such as requir'd expedition, the formality of asking Opinions, and debating the Business, was

(a) *In Offav. cap. 35.* (b) *Idem in Jul. Cæs. cap. 88.* (c) *P. Manut. de Senat. Rom.*

laid aside, and a Decree pass'd upon the bare Division of the House, and the counting of the Numbers on both Sides. This was call'd *Senatus-consultum per discessionem factum*; the former simply *Senatus-consultum*, (a)

Julius Capitolinus speaks of a sort of *Senatus-consulta*, not describ'd by any other Author; which he calls *Senatus-consulta tacita*; and tells us they were made in reference to Affairs of great Secrecy, without the admittance of the very Publick Seryants; but all the Business was done by the Senators themselves, after the passing of an Oath of Secrecie, 'till their Design shou'd be effected. (b)

There were several things that might hinder the passing of a Decree in Senate; as in case of an *intercessio*, or interposing. This was commonly put in practice by the *Tribunes* of the Commons, who reckon'd it their Privilege: But it might be done too, by any Magistrate of equal Authority with him that propos'd the Business to the House: Or else when the Number requir'd by Law for the passing of any Bill was not present: For that there was such a fix'd Number, is very evident, though nothing of certainty can be determin'd any farther about it.

In both these cases, the Opinion of the major Part of the Senators was not call'd *Senatus-consultum*, but *Auctoritas Senatus*; their Judgment, not their Command; and signified little, unless it was afterwards ratified, and turn'd into a *Senatus-consultum*, as usually happen'd. (c) Yet we must have a care of taking *Auctoritas Senatus* in this sense, every time we meet with it in Authors. For unless, at the same time, there be mention made of an *Intercessio*, it is generally to be understood, as another Term for a *Senatus Consultum*; and so *Tully* frequently uses it.

Besides these two Impediments, a Decree of Senate cou'd not pass after Sun-set, but was deferr'd 'till another Meeting.

All along, 'till the Year of the City 304. the written Decrees were in the custody of the *Consul*, who might dispose of them as he thought proper, and either suppress or preserve them: But then a Law pass'd, that they should be carried always for the future to the *Ædiles Plebis*, to be laid up in the Temple of *Ceres*: (d) Yet we find, that afterwards they were for the most part preserv'd in the Publick Treasury. (e)

It may be farther observ'd, that besides the proper Senators, any Magistrate might come into the House during their Honour;

(a) *P. Manut. de Sen.* (b) *Jul. Capitolin. in Gordian.* (c) *P. Manut. de Sen.* (d) *Lip. lib. 3.* (e) *Vide Cicero. Philipp. 5. Sueton. in August. Tacit. Annal. 3.*

and

and they who had born any *Curule Office*, after its expiration. But then none of those who came into the House purely upon account of their Magistracy, were allow'd the Privilege of giving their Judgments upon any matter, or being numbred among the Persons who had Votes. Yet they tacitly express'd their Mind, by going over to those Senators whose Opinions they embrac'd; and upon this account they had the Name of *Senatores Pedarii*.

There was an old Custom too, in the Common-wealth, That the Sons of Senators might come into the House, and hear the Proceedings. This, after it had been abrogated by a Law, and long disus'd, was at last reviv'd by *Augustus*; who in order to bring in the young Noblemen the sooner to the Management of Affairs, order'd that any Senator's Son, at the time of his putting on the *Toga Virilis*. shou'd have the Privilege of using the *Latus Clavus*, and of coming into the Senate. (a)

(a) *Sueton. in August. cap. 38.*

C H A P. III.

Of the general Divisions of the Magistrates; and of the Candidates for Offices.

NOT to speak of the different Forms of Government which obtain'd among the Romans, or to decide the case of Pre-eminency between them, we may in the next place, take a short view of the Chief Magistrates under them all. Of these we meet many general Divisions; as in respect of Time, *Magistratus ordinarii*, and *extraordinarii*; with reference to the Persons, *Patricii*, *Plebeii*, and *Mixti*; from their Quality, *Majores*, and *Minores*; from their manner of appearing in Publick, *Curules*, and *Non Curules*; and lastly, from the place of their Residence, *Urbani*, and *Provinciales*. (a) If we'd pitch upon the clearest and the most compendious Method, we must rank them according to the last Distinction, and describe in order the most remarkable of the Civil Offices at home and abroad. But it will be expected, that we first give some account of the Persons that stood

(a) *Lipsius de Magistrat. cap. 2.*

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Candidates for these Honours. They borrow'd the Name of *Candidati* from the *Toga Candida*, in which they were habited at the time of their appearing for a Place. They wore this loose Gown open and ungirted, without any close Garment under; which some interpret as done with design to avoid any suspicion the People might have of Bribery and Corruption: But *Plutarch* (a) thinks it was either to promote their Interest the better, by suing in such an humble Habit: Or else that such as had received Wounds in the Service of their Country, might the more easily demonstrate those Tokens of their Courage and Fidelity; a very powerful way of moving the Affections of the People. But he disallows the Reason above-mention'd, because this Custom prevail'd in Rome many Ages before Gifts and Presents had any influence on the Publick Suffrages; a Mischief of which he attributes, in a great measure, the ruin of the Common-wealth.

They declar'd their Pretensions generally about a Year before the Election; all which time was spent in gaining and securing of Friends. For this purpose, they us'd all the Arts of Popularity, making their Circuits round the City very often; whence the Phrase, *Ambire Magistratum*, had its rise. In their Walks, they took the meanest Persons by the Hand; and not only us'd the more Familiar Terms of Father, Brother, Friend, and the like, but call'd them too by their own proper Names. In this Service, they had usually a *Nomenclator*, or *Monitor*, to assist them, who whisper'd every body's Name in their Ears. For though *Plutarch* tells us of a Law which forbid any Candidate to make use of a Prompter; yet at the same time he observes, that *Cato* the Younger was the only Person who conform'd to it, discharging the whole Business by the help of his own Memory. (b)

They had reason to be very nice and cautious in the whole Method of their Address and Convals, for an affront, or perhaps a jest put upon the most inconsiderable fellow, who was Master of a Vote, might sometimes be so far resent'd by the Mob, as to turn the Election another way. There is a particular story told of *Scipio Nasica*, which may confirm this remark: When he appear'd for the Place of Curule *Edile*, and was making his Circuit to encrease his party, he lighted upon an honest plain Countryman, who was come to Town, to give his Vote among the rest; and finding, as he shook him by the hand, that the Flesh was very hard and callous, *præter friend*

(a) In *Cerilian*. (b) *Plut.* in *Cato Uricensi*.

(say's

(say's he.) *do'st use to walk upon thy Hands?* The Clown was so far from being pleas'd with this peice of Wit, that he complain'd of the Affront, and lost the Gentleman the Honour which he sued for.

Such Persons as openly favour'd their Designs, have been distinguish'd by the Names of *Salutatores*, *Deductores*, and *Señatores*. (a) The first sort only paid their Compliments to them at their Lodgings in the Morning; and then took their Leave. The second waited upon them from thence, as far as to the *Forum*. The last compos'd their Retinue thro' the whole Circuit. *Pliny* has oblig'd us with a farther remark, That not only the Persons who stood for an Office, but sometimes too, the most considerable Men of their Party went about in the same formal manner, to beg Voices in their behalf: And therefore when he'd let us know his great Diligence in promoting the Interest of one of his Friends, he makes use of the same Phrases, which are commonly applied to the Candidates themselves; as, *Ambire Domos*, *Pren-dare amicos*, *Circumire stationes*, (b) &c.

The Proceedings in the Elections will fall more properly under the account of the Assemblies where they were manag'd.

(a) *Rosin. lib. 7. cap. 8.* (b) *Plin. Epist. lib. 2. ep. 9.*

CHAP. IV.

of the Consuls.

THE Consular Office began upon the expulsion of the *Tar- quins* in the Year of the City 244. There are several Derivations given of the Word; that of *Cicero à Consulendo* (a) is generally follow'd. Their Power was at first the same as that of the Kings, only restrain'd by Plurality of Persons, and shortness of time: Therefore *Tully* calls it *Regium Imperium*, (b) and *Regia Potestas*. (c) In War they commanded in chief over Citizens and Associates; nor were they less absolute in Peace, having the Government of the Senate it self, which they assembled or dismiss'd at their Pleasure. And tho' their Authority was very much impair'd, first by the Tribunes of the People, and afterwards upon the Establishment of the Empire; yet they were still employ'd in consulting the Senate, administering Justice, ma-

(a) *Cicero de leg. lib. 3.* (b) *Ibid.* (c) *Idem de Petitione Consulatus.*

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naging publick Games, and the like; and had the Honour to characterize the Year by their own Names.

At the first institution, this Honour was confin'd to the Nobility; but in the Year of the City 387, the Commons obtain'd the Privilege of having one of their own Body always an Associate in this Office. Sometimes indeed the Populacy were so powerful as to have both Consuls chose out of their Order; but, generally speaking, one was a Nobleman, and the other a Commoner.

No person was allow'd to sue for this Office, unless he was present at the Election, and in a private Station; which gave occasion to the Civil Wars between Pompey and Caesar; as has been already observ'd. The common Age requir'd in the Candidates was Forty two Years. This Cicero himself acquaints us with, if we allow a little scope to his way of speaking, when he says, that Alexander the Great, dying in his Thirty third Year, came Ten Years short of the Consular Age. (a) But sometimes the People dispens'd with this Law, and the Emperors took very little notice of the Restraint.

The time of the Consuls Government before Julius Caesar, was always a compleat Year: But he brought up a Custom of substituting Consuls at any time for a Month or more, according as he pleas'd. Yet the Consuls, who were admitted the first of January, denominated the Year, and had the Title of *Ordinarii*; the others being styled *Suffecti*. (b)

The chief Ornaments and Badges of their Authority were the White Robe- edg'd with Purple, call'd *Prætecta*; which in after times they chang'd for the *Toga Palmata*, or *Picta*, which before had been proper only to such Persons as had been honour'd with a Triumph: And the Twelve *Lictors*, who went before one of them one Month, and the other the next, carrying the *Fasces* and the *Securis*. The latter of which, tho' *Valerius Poplicola* took away from the *Fasces*, yet it was soon after added again.

Their Authority was equal; only in some lesser matters, he had the Precedency, according to the *Valerian Law*, who was oldest; and he, according to the *Julian Law*, who had most Children.

(a) *Vid. Ciceron. Philip. 5.* (b) *Vide Dio. lib. 43. Sueton. in Julio, cap. 76, &c.*

CHAP. V.

Of the Dictator and his Master of the Horse.

THE Office of *Dictator* was of very early Original: For the *Latines* entering on a Confederacy against Rome to support *Tarquinius*'s Cause after his Expulsion, the Senate were under great apprehensions of danger, by reason of the difficulty they found in procuring Levies to oppose them. For the poorer Commons, who had been forc'd to run themselves into debt with the *Patricians*, absolutely refus'd to list themselves, unless an Order of Senate might pass for a general Remission. Now the Power of Life and Death being lately taken from the Consuls by the *Valerian Law*, and liberty given for an Appeal from them to the People, they could not compel any body to take up Arms. Upon this account, they found it necessary to create a Magistrate, who for Six Months should rule with absolute Authority even above the Laws themselves. The first Person pitch'd upon for this Honour was *Titus Largius Flavius*, about A. U. C. 252, or 255; (a)

This supreme Officer was call'd *Dictator*, either because he was *Dictus*, named of the Consul; or else, from Dictating and Commanding what should be done. (b) Tho' we sometimes meet with the naming of a *Dictator* upon a smaller Account, as the holding the *Comitia* for the Election of Consuls, the Celebration of Publick Games, the fixing the Nail upon *Jove's Temple*, (which they call'd *clavum pangere*, and was us'd in the times of primitive Ignorance, to reckon the number of the Years, and in the time of later Superstition for the averting or driving away Pestilences and Seditions) and the like; yet the true and proper *Dictator* was he, who had been invest'd with this Honour upon the occasion of dangerous War, Sedition, or any such Emergency as requir'd a sudden and absolute Command. (c) And therefore he was not chose with the usual Formalities, but only named in the Night, *viva voce*, by the Consul, (d) and confirm'd by the Divination from Birds. (e) The time assign'd for the duration of the Office was never lengthned, except out of

(a) *Dionys. Antiq. lib. 5. Liv. lib. 2.* (b) *Ibid.* (c) *Lips. de Magistrat. cap. 17.* (d) *Liv. lib. 4.* (e) *Cicero de Leg. lib. 3.*

meer necessity: And as for the perpetual *Dictatorships* of *Sylla* and *Julius Cæsar*, they are confess'd to have been notorious Violations of the Laws of their Country. There were Two other Confinements which the *Dictator* was oblig'd to observe. First, he was never to stir out of *Italy*, for fear he should take advantage of the distance of the place, to attempt any thing against the common Liberty. (a) Besides this, he was always to march on foot; only upon account of a tedious or sudden Expedition he formally ask'd leave of the People to ride. (b) But setting aside these Restraints, his Power was most absolute. He might proclaim War, levy Forces, lead them out, or disband them without any consultation had with the Senate: He could punish as he pleas'd; and from his Judgment lay no Appeal; (c) at least not till in later times. To make the Authority of his Charge more awful, he had always Twenty four bundles of Rods, and as many Axes carried before him in Publick, if we will believe *Plutarch* (d) and *Polybius* (e). Tho' *Livy* attributes the first rise of this custom to *Sylla*. (f) Nor was he only invested with the joyn't Authority of both the *Consuls*; (whence the *Grecians* call'd him *Διούγατος*, or *Double Consul*;) but during his Administration, all other Magistrates ceas'd, except the *Tribunes*; and left the whole Government intrusted in his Hands. (g)

This Office had the repute to be the only Safeguard of the Common-wealth in times of danger Four hundred Years together; Till *Sylla* and *Cæsar* having converted it into a Tyranny, and rendred the very Name odious: Upon the murder of the last, a Decree pass'd in the Senate, to forbid the use of it upon any account whatever for the future. (h)

The first thing the *Dictator* did, was to chuse a *Magister Equitum*, or Master of the Horse, (he himself being in ancient times, by a more general name term'd *Magister Populi*) who was to be his Lieutenant-general in the Army, but could act nothing without his exprefs Order. Yet in the War with *Hannibal*, when the slow Proceedings of *Fabius Maximus* created a Suspicion in the Commons, they voted, that *Minutius*, his Master of the Horse, should have an equal Authority with *Fabius* himself, and be, as it were, another *Dictator*. (k) The like was afterwards practis'd in the same War upon the Defeat at *Cannæ*, when the Dictator, *M. Junius*, being with the Army, *Fabius Buteo* was

(a) *Dio. Hist. lib. 36.* (b) *Plutarch. in Fab. Max.* (c) *Dionys. Antig. lib. 8.* (d) *In Fab. Max.* (e) *Hist. lib. 3.* (f) *Epitom. lib. 89.* (g) *Plut. in Fab. Max.* (h) (i) *Dio, lib. 44 Appian lib. 3.* (k) *Plutarch. in Fab. Max. Polybius, lib. 3.*

chose

chose a second *Dictator* at *Rome*, to create new Senators for the supplying of their places, who had been kill'd in the Battel: Though as soon as ever the Ceremony was over, he immediately laid down his Command, and acted as a private Person. (a)

There was another Expedient us'd in cases of extreme emergency, much like this Custom of creating a *Dictator*; and that was, to invest the *Consuls*, and sometimes the other chief Magistrates as the *Prætors*, *Tribunes*, &c. with an absolute and uncontrollable Power. This was perform'd by that short yet full Decree of Senate, *Dent operam Consules, &c. ne quid detrimenti capiat respublica.* Let the *Consuls*, &c. take care that the Common-wealth suffer no damage.

(a) *Plutarch. ibid.*

CHAP. VI.

Of the Prætors.

THE Original of this Office, instituted in the Year of the City 389. is owing to two occasions: Partly because the *Consuls* being very often wholly taken up with foreign Wars, found the want of some Person to administer Justice in the City; and partly because the Nobility, having lost their appropriation of the Consulship, were ambitious of procuring to themselves some new Honour in its room. (a) At the first only, one was created, taking his Name *à præeundo*; and for the same reason most of the old *Latins* call'd their Commanders *Prætores*: And the *Consuls* are suppos'd to have us'd that Title at their first institution. A. U. C. 501 another *Prætor* was added; and then one of them applied himself wholly to the preserving of Justice among the Citizens, with the Name of *Prætor Urbanus*, while the other appointed Judges in all Matters relating to Foreigners. But upon the taking in of *Sicily* and *Sardinia*, A. U. C. 520. two more *Prætors* were created to assist the *Consuls* in the Government of the *Provinces*; and as many more upon the entire conquest of *Spain*, A. U. C. 551. *Sylla* encreas'd the number to Eight; Ju-

(a) *Vide Livio lib. 7. circa princip.*

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lius *Cæsar* first to Ten, and then to Sixteen; the second *Triumviri*, after an extravagant manner, to Sixty four.

After this, sometimes we meet with Twelve *Prætors*, sometimes Sixteen or Eighteen; but in the Declension of the Empire; they fell as low again as Three.

When the number of the *Prætors* was thus encreas'd, and the *Questiones*, or Enquiries into Crimes, made perpetual, and not committed to Officers chose upon such occasions, the *Prætor Urbanus* (and, as *Lipsius* thinks, the *Prætor Peregrinus*) undertook the Cognizance of private Causes, and the other *Prætors* of Crimes. The latter therefore were sometimes call'd *Quæstiores, quia querebant de crimine*; the first barely *jus dicebat*. Here we must observe the difference between *jus dicere* and *judicare*; the former relates to the *Prætor*, and signifies no more than the allowing an Action, and granting Judges for determining the Controversie; the other is the proper Office of the *Judices* allow'd by the *Prætor*, and denotes the actual hearing and deciding of a Cause. (a)

(a) P. Manut. de legibus, p. 826.

CHAP. VII.

Of the Censors.

THE *Census*, or Survey of the Roman Citizens and their Estates (from *Censeo*; to rate, or value) was introduc'd by *Servius Tullius*, the sixth King, but without the Assignment of any particular Officer to manage it: And therefore he took the trouble upon himself, and made it a part of the Regal Duty. Upon the expulsion of the *Tarquins*, the Business fell to the *Consuls*, and continu'd in their care, 'till their Dominions grew so large as to give them no leisure for its performance. Upon this account, it was wholly omitted seventeen Years together, 'till A. U. C. 311. when they found the necessity of a New Magistrate for that Employment, and thereupon created Two *Censors*; Their Office was to continue five Years, because every fifth Year the General Survey of the People us'd to be perform'd: But when they grew to be the most considerable Persons in the State, for fear they should abuse their Authority, A. U. C. 420. a Law

Law pass'd, by which their Place was confin'd to a Year and a half; and therefore for the future, though they were elected every five Years, yet they continu'd to hold the Honour no longer than the time prefix'd by that Law.

After the second *Punic* War, they were always created out of such Persons as had been *Consuls*, though it sometimes happen'd otherwise before. Their Station was reckon'd more Honourable than the *Consulship*, though their Authority, in Matters of State, was not so considerable. And the Badges of the Two Offices were the same, only that the *Censors* were not allow'd the *Lictors* to walk before them, as the *Consuls* had.

Lipsius divides the Duty of the *Censors* into two Heads; the Survey of the People, and the Censure of Manners. As to the former, they took an exact account of the Estates and Goods of every Person, and accordingly divided the People into their proper *Classes* and *Centuries*. Besides this, they took care of the Publick Taxes, and made Laws in reference to them. They were Inspectors of the Publick Buildings and Ways, and defray'd the Charges of such Sacrifices as were made upon the Publick account.

With respect to the latter part of their Office, they had the power to punish an Immorality in any Person, of what Order soever. The *Senators* they might expel the House, which was done by omitting such a Person when they call'd over the Names. The *Knights* they punish'd by taking away the Horse allow'd them by the Publick Charge. The *Commons* they might either remove from a higher Tribe to a less honourable; or quite disable them to give their Votes in the Assemblies, or set a Fine upon them to be paid to the Treasury. And sometimes when a *Senator*, or *Knight*, had been guilty of any notorious Irregularity, he suffer'd two of these Punishments, or all three at once.

The greatest part of the *Censor's* publick Business was perform'd in the *Campus Martius* every fifth Year; when, after the Survey of the People, and Inquisition into their Manners, the *Censors* made a solemn *Lustration*, or expiatory Sacrifice, in the name of all the People. The Sacrifice consisted of a Sow, a Sheep, and a Bull, whence it took the Name of *Suovetaurilia*. The Ceremony of performing it they call'd *Lustrum condere*; and

upon this account the space of Five Years came to be signified by the word *Lustrum*.

'Tis very remarkable, that if one of the *Censors* died, no body was substituted in his room 'till the next *Lustrum*, and his Partner was oblig'd to quit his Office; because the Death of a *Censor* happen'd just before the sacking of *Rome* by the *Gauls* and was ever after accounted highly ominous and unfortunate. (a)

This Office continu'd no longer than to the time of the *Emperours*, who perform'd the same Duty at their Pleasure: And the *Flavian Family*, i. e. *Vespasian* and his Sons, took a pride (as Mr. *Walker*, (b) observes) to be call'd *Censors*, and put this among their other Titles upon their Coins. *Decius* the Emperour entred on a Design to restore the Honour to a particular Magistrate as heretofore, but without any success. (c)

(a) Vide *Liv. lib. 4, 6, 9. Plut. Probl. 59. Of Coins and Medals* (c) Vide *Trebell. Gall. in Decio*.

CHAP. VIII.

Of the Quæstors.

THE Original of the *Quæstors*, (à *querendo*, from getting in the Revenues of the State) *Dionysius* (a) and *Livy* (b) place about *A. U. C. 269*. *Plutarch* indeed, with some small difference, refers the Institution to the time of *Valerius Poplicola*, when he allotted the Temple of *Saturn* for the Treasury (to which use it always serv'd afterwards,) and granted the People the liberty of chusing two young Men for the Treasurers. (c) This was all the Number at the beginning: But afterwards, two others were created, *A. U. C. 332*. to take care of the Payment of the Armies abroad, of the selling Plunder and Booty, &c. For which purpose, they generally accompanied the *Consuls* in their Expeditions; and upon this account were distinguish'd from the other *Quæstors*, by the Name of *Peregrini*, and gave them occasion to assume the Title of *Urbani*. This Number continu'd 'till the entire Conquest of *Italy*; and then it was again doubled, *A. U. C. 429*. The four that were now added, had their Residence with the *Proconsuls*, and *Proprætors* in the *Provinces*, where they employ'd themselves in regulating the Taxes and Customs due from

(a) *Lib. 8.* (b) *Lib. 3.* (c) *Plut. in Poplicol.*

thence

thence to the State. *Sylla* the *Dictator*, as *Tacitus* informs us, (a) created twenty *Quæstors* to fill up the Senate; and *Dio* (b) mentions the creating of forty by *Julius Cæsar* upon the same Design.

The chief Offices of the *Quæstors* were the receiving and disbursing Money; the selling of Booty; the receiving, lodging, and carrying out Ambassadors. and the keeping of the Decrees of Senate appointed them by *Augustus*, (c) which before had been under the care of the *Ædiles* and *Tribunes*.

From hence came the two Offices of *Quæstor Principis*, or *Augusti*, call'd sometimes *Candidatus Principis*, describ'd by *Brissotius*; (d) and *Quæstor Palatii*, instituted by *Constantine the Great*; answering in most respects to the Place of the Lord Chancellor at present.

The *Quæstorship* was the first Office any Person cou'd bear in the Common-wealth, and might be undertook at the Age of Twenty four or Twenty five Years.

(a) *Annal. lib. 1.* (b) *Lib. 43.* (c) *Dio, lib. 54.* (d) *Select. Antiquitat. lib. 1. cap. 16*

CHAP. IX.

Of the Tribunes of the People.

THIS Office owes its Original to a Quarrel between the Nobility and Commons, about *A. U. C. 260*. when the latter making a Defection, could not be reduc'd into Order, 'till they had obtain'd the Privilege of chusing some Magistrates out of their own Body, for the defence of their Liberties, and to interpose in all Grievances and Impositions offer'd by their Superiours. (a) At first only two were elected; but three more were quickly added; and about *A. U. C. 297*. the number was made up ten, which continu'd ever after.

Their Authority was extraordinary; for though at first they pretended only to be a sort of Protectors of the Commons, and Redressers of Publick Grievances, yet afterwards they usurp'd the Power of doing almost whatever they pleas'd, having the whole Populacy to back and secure them: And therefore they assembled the People, prefer'd Laws, made Decrees, and secured them upon the Magistrates themselves; and sometimes commanded the very *Consuls* to be carried to Prison: And

(a) Vide *Dionys. lib. 6. Liv. lib. 2. Sec.*

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were,

were, without question, the Authors of far greater Animosities between the Nobles and Commons, than they were at first created to appease.

That which gain'd them the greatest security, was their repute of being *Sacrofancti*, which they confirm'd by a Law: So that 'twas reckon'd the highest Act of Impiety to offer them the least Injury, or so much as to interrupt them when they were speaking.

Their interposing in Matters determin'd, by the Senate, or other Magistrates, was call'd *Intercessio*, and was perform'd by standing up, and pronouncing only one word *VETO*.

As for the Ensigns of their Office, they had no *Prætecta*, *Lictors*, nor *Curule* Chair; and only a sort of a Beadle, whom they call'd *Viator*, went before them.

Sylla the Dictator was the first who dar'd put a stop to the Encroachments of the *Tribunes*; but they soon recover'd their old Power again, till the time of the Emperours, who left them very little but the Name and Shadow of Magistrates: This they effected as by several means, so particularly by obliging the People to confer the same Power and Authority on themselves; whence they were said to be *Tribunitiâ potestate donati*; for they could not be directly *Tribuni*, unless their Family was Plebeian.

CHAP. X.

Of the *Ædiles*.

THE Commons had no sooner prevail'd with the Senate to confirm the Office of *Tribunes*, but they obtain'd farther the Privilege to chuse yearly, out of their own Body, Two more Officers to assist those Magistrates in the discharge of some particular Services, (a) the chief of which was the care of Publick *Ædifices*, whence they borrow'd their Name. *Rosinus*, for distinction's sake, calls them *Ædiles Plebis*. Besides the Duty mention'd above, they had several other Employments of lesser note; as to attend on the *Tribunes* of the People, and to judge some inferior Causes by their Deputation; to rectifie the Weights and Measures, prohibit unlawful Games, and the like.

(a) Vide *Dionys. lib. 6.*

A. U. C. 389. two more *Ædiles* were elected out of the Nobility, to inspect the Publick Games. (a) They were call'd *Ædiles Curules*, because they had the Honour of using the *Sella Curulis*; the Name of which is generally deriv'd à *curru*, (b) because they sat upon them as they rode in their Chariots; but *Lipius* fancies they owe their Names as well as their Invention to the *Curetes*, a People of the *Sabines*.

The *Curule Ædiles*, besides their proper Office, were to take care of the Building, and repair of Temples, Theatres, Baths, and other noble Structures; and were appointed Judges in all Cases relating to the selling or exchanging of Estates.

Julius Cæsar A. U. C. 710. added two more *Ædiles* out of the Nobility, with the Title of *Ædiles Cereales*, from *Ceres*, because their Business was to inspect the Publick Stores of Corn and other Provisions; to supervise all the Commodities expos'd in the Markets, and to punish Delinquents in all Matters concerning Buying and Selling. (c)

(a) *Liv. lib. 6 & 7.* (b) *Vide Agell. lib. 3. cap. 18.* (c) *Vide Dio. lib. 43. & Pompon. lib. 2. F. de Orig. juris.*

CHAP. XI.

Of the Decemviri.

ABOUT the Year of Rome 291. the People thinking themselves highly wrong'd, that tho' they had freed themselves from the Government of the Kings, yet still the whole Decision of Equity and Justice should lie in the Breast of the Supreme Magistrates, without any written Statute to direct them; propounded to the Senate by their *Tribunes*, that standing Laws might be made which the City shou'd use for ever. The Business hung in suspense several Years; at last it was concluded to send Ambassadors to *Athens* and other *Grecian* Cities, to make Collections out of the best of their Constitutions, for the Service of their Country in the new Design. Upon the return of the Commissioners, the *Tribunes* claiming the Promise of the Senate, to allow them a new Magistracy for the putting the Project in execution, it was agreed, That Ten Men out of the chief Sena-

tors shou'd be elected : That their Power shou'd be equal to that of the *Kings*, or *Consuls*, for a whole Year : And, That in the mean time, all other Offices shou'd cease. The *Decemviri* having now taken the Government upon them, agreed that only one of them shou'd at one time enjoy the *Fasces* and other *Consular* Ornaments ; shou'd assemble the *Senate*, confirm Decrees, and act in all respects as Supreme Magistrate. To this Honour they were to succeed by turns till the Year was out ; and the rest were oblig'd to differ very little in their Habits from private Persons, to give the People the less suspicion of Tyranny and absolute Government.

At length having made a Model out of such Laws as had been brought from *Greece*. and the Customs of their own Country, they expos'd it to the publick View in Ten Tables, liberty being given for any Person to make Exceptions. Upon the general Approbation of the Citizens, a Decree pass'd for the ratification of the New Laws, which was perform'd in the presence of the Priests and *Augurs*, in a most Solemn and Religious manner.

The War being expir'd, a farther continuance of this Office was voted necessary, because something seem'd yet to be wanting for the perfecting of the Design. The *Decemviri*, who had procur'd themselves the Honour in the New Election, quickly abus'd their Authority ; and under pretence of reforming the Common-wealth, show'd themselves the greatest Violators of Justice and Honesty. Two more Tables indeed they added to the First, and so seem'd to have answer'd the Intent of their Institution : Yet they not only kept their Office the remaining part of that Year, but usurp'd it again the next, without any regard to the Approbation of the *Senate* or People. And though there was some stir made in the City for putting a stop to their Tyranny ; yet they maintain'd their absolute Power, till an Action of their chief Leader *Appius* gave a final ruine to their Authority : For he falling desperately in Love with *Virginia*, the Daughter of a Plebeian, and prosecuting his Passion by such unlawful means, as to cause the killing of her by her own Father (the Story of which is told at large by *Livy*) gave an occasion to a Mutiny in the Army, and a general Dislike to the whole City ; so that 'twas agreed in the *Senate*, to let the same Form of Government return, which was in force at the Creation of the *Decemviri*. (a)

(a) Vide *Liv. lib. 3. Dionys. lib. 8.*

C H A P. XII.

Tribuni Militum Consulari potestate.

UPON the conclusion of the *Decemvirate*, the first *Consuls* that were elected, appearing highly inclin'd to favour the Commons, gave them such an opportunity of getting an head in the State, that within three years afterwards, they had the Confidence to petition for the Privilege of being made capable of the Consulship, which had been hitherto denied them. The stiffest of the *Patricians* violently oppos'd this Request, as a fair means to ruine their Honour and Authority, and to bring all Persons, of whatever Quality, upon the same level. But a War casually breaking out at the same time in the Confederate Countries, which the *Romans* were oblig'd to assist, the *Consuls*, by reason of the Dissensions upon this account in the City, cou'd not with all their Diligence procure any Levies to be made, because the *Tribunes* of the Commons oppos'd all their Orders, and wou'd let no Soldiers be Lifted, 'till their Petition had been canvass'd in the *Senate*. In this exigency, the *Fathers* were call'd together ; and after the Business had been a long time debated with great Heat and Tumult, at last pitch'd upon this Expedient : That Three Magistrates shou'd be elected out of each Order, who being invested with the whole *Consular* Power, at the end of the Year, it shou'd be in the liberty of the *Senate* and People to have that Office, or *Consuls* for the following Year.

Both Parties readily embrac'd this Proposal, and accordingly proceeded to an Election ; where, though the whole design of this Stir, had been purely to encrease the Honour of the Commons, yet when the matter came to be put to the Vote, they chose none of that Order to the new Magistracy, but conferr'd the Honour on Three of the most eminent *Patricians*, with the Title of *Tribuni Militum Consulari potestate*, about A. U. C. 310.

The first *Tribunes* having held their Dignity no longer than seventy Days, were oblig'd to quit it, by reason that the *Augurs* had discover'd some Flaw in their Election ; and so the Government return'd to its former course, the Supreme Command

resting in the hands of the *Consuls*. (a) Afterwards they were some Years chose, and some Years pass'd by, having rose from Three to Six, and afterwards to Eight, and the *Plebeians* being admitted to a share in the Honour, till about A. U. C. 388, they were entirely laid aside.

(a) *Liv. lib. 4. Dionys. lib. 11.*

C H A P. XIII.

Civil Offices of less Note, or of less frequent Occurrence in Authors; and of the Publick Servants.

THERE are several Officers behind, who deserve little more than to be nam'd; some by reason of their low Station in the Common-wealth, others because they are very seldom mention'd in our ordinary Classicks. Among these, we may take notice of those that follow.

Interrex, the Supreme Magistrate, who govern'd between the Death of one King, and the Election of another. This Office was took by turns by the *Senators*, continuing in the hands of every Man five Days, (a) or, if we believe *Plurarch*, (b) only twelve Hours at a time. We sometimes meet with an *Interrex* under the *Consular* Government, created to hold Assemblies, when the ordinary Magistrates were either absent, or disabled to act by reason of their undue Election.

Tribunus, or *Præfectus Celerum*, the Captain of *Romulus's* Life-guard, which consisted of Three hundred of the stoutest young Men, and of the best Families in the City, under the Name of *Celeres*, or, Light-Horse.

After the expulsion of the Kings, the *Magister Equitum* held the same place and Command under the *Dictators*, and the *Præfectus Prætorio* under the Emperors.

Præfectus Urbis, a sort of Mayor of the City, created by *Augustus*, by the Advice of his Favourite *Mæcenæ*, upon whom at first he conferr'd the new Honour. (c) He was to precede all other City-Magistrates, having power to receive Appeals from the inferior Courts, and to decide almost all Causes within the

(a) *Dionys. lib. 2. Liv. lib. 1. (b) In Num. (c) Dio. lib. 52. Tacit. Annal. lib. 45.*
Limits

Limits of *Rome*, or an hundred Miles round. Before this, there was sometimes a *Præfectus Urbis* created, when the Kings, or greater Officers, were absent from the City, to administer justice in their room. (a)

Præfectus Aerarii, an Officer chose out of such Persons as had discharg'd the Office of *Prætorio*, by *Augustus*, to supervise and regulate the Publick Fund, which he rais'd for the maintenance of the Army. (b) This project was reviv'd by several of his Successors.

Præfectus Prætorio, created by the same Emperour, to Command the *Prætorian Cohorts*, or his Life-guard, who borrow'd their Name from the *Prætorium*, or General's Tent, all Commanders in Chief being anciently styl'd *Prætores*. His Office answer'd exactly to that of the *Magister Equitum* under the old *Dictators*; only his Authority was of greater extent, being generally the highest Person in Favour with the Army: And therefore when the Soldiers once came to make their own Emperours, the common Man they pitch'd upon was the *Præfectus Prætorio*.

Præfectus Frumenti, and *Præfectus Vigiliæ*, both owing their Institution to the same *Augustus*. The first was to inspect and regulate the distribution of Corn, which us'd to be often made among the common People. The other commanded in Chief all the Soldiers appointed for a constant Watch to the City, being a *Cohort* to every two *Regions*. His Business was to take cognizance of Thieves, Incendiaries, idle Vagrants, and the like; and had the Power to punish all petty Misdemeanours, which were thought too trivial to come under the care of the *Præfectus Urbis*.

In many of these inferior Magistracies, several Persons were join'd in Commission together; and then they took their Name from the number of Men that compos'd them. Of this sort we meet with the

Triumviri, or *Tresviri Capiteles*, the Keepers of the Publick Gaol; they had the Power to punish Malefactors, like our Masters of the Houses of Correction, for which Service they kept eight *Lictors* under them; as may be gather'd from *Plautus*:

*Quid faciam nunc si Tresviri me in carcerem compegerint?
Inde cras è promptuariâ cellâ depremar ad flagitium.*

Ira quasi incudem me miserum octo homines validi cedent. (c)

(a) *Ibid. (b) Dio. lib. 55. (c) In Amphitr.*

Trium.

Triumviri Nocturni, mention'd by *Livy* (a) and *Tacitus*, (b) instituted for the prevention of Fires in the Night.

Triumviri Monetales, the Masters of the Mint: Sometimes their Name was wrote *Triumviri A. A. Æ. F. F.* standing for *Auro, Argentis, Ære Flando, Feriendo*.

Quatuorviri viarum curandarum; Persons deputed by the *Censor* to supervise the Publick Ways.

Centumviri, and *Decemviri litibus judicandis*: The first were a Body of Men chose, Three out of every Tribe, for the judging of such Matters as the *Prætors* committed to their Decision; which are reckon'd up by *Cicero* in his First Book *de Oratore*. The *Decemviri* seem to have been the principal Members of the *Centumvirate*, and to have presided under the *Prætor* in the *Judicia Centumviralia*. These were some of the first Steps to Preferment, for Persons of Parts and Industry; as was also the *Vigintiviratus*, mention'd by *Cicero*, *Tacitus*, and *Dio*, which perhaps was no more than a select part of the *Centumviri*.

There are other Officers of as little note behind, who had no fix'd Authority, but were constituted upon some particular occasions: Such as the

Duumviri perduellionis, sive Capitales; Officers created for the judging of Traitors. They were first introduc'd by *Tullus Hostilius*; continu'd, as often as Necessity requir'd, under the rest of the Kings, and sometimes under the *Consular* Government, at its first Institution. But after they had been laid down many Years as unnecessary, *Cicero*, in the latter times of the Commonwealth, complains of their revival by *Labienus*, Tribune of the Commons. (c)

Questores, or *Quæstores, Parricidii, vel rerum capitalium*; Magistrates chose by the People to give Judgment in capital Causes, after the *Consuls* were denied that Privilege, and before the *Quæstiones* were made perpetual.

The Publick Servants of the Magistrates had the common Name of *Apparitores*, from the Word *Appareo*, because they always stood ready to execute their Masters Orders. Of these, the most remarkable were the

Scribæ, a sort of Publick Notaries, who took an account of all the Proceedings in the Courts: In some measure too they answer'd to our Attornies, inasmuch as they drew up the Papers

(a) Lib. 9. (b) *Annal. lib. 5.* (c) *Cicero, Orat. pro. G. Rabirio Perduellionis Reo.* and

and Writings which were produc'd before the Judges; *Notarius* and *Actuarius* signifying much the same Office.

Accensi and *Præcones*, the Publick Criers, who were to call Witnesses, signify the Adjournment of the Court, and the like. The former had the Name from *Accico*, and the other from *Præcio*. The *Præcones* seem to have had more Business assign'd them than the *Accensi*; as, the proclaiming Things in the Streets; the assisting at Publick Sales, to declare how much every one bids; whereas the *Accensi* more nearly attended on the Magistrates.

Lictores, the Serjeants, or Beadles, who carried the *Fasces* before the Supreme Magistrates, as the *Interreges*, *Dictators*, *Consuls* and *Prætors*. Besides this, they were the publick Executioners in Scourging and Beheading.

The *Lictors*, were taken out of the Common People, whereas the *Accensi* generally belong'd to the Body of the *Libertini*, and sometimes to that of the *Liberti*. (a)

The *Viatores* were little different from the former, only that they went before the Officers of less Dignity, and particularly before the *Tribunes* of the Commons.

In Ancient Times they were us'd to call the plain Senators out of the Country, whence *Tully* in his *Cato Major* derives their Name; as if they were to ply about the Roads and Parks, and to pick up an Assembly of Rural Fathers, who perhaps were then employ'd in driving or in keeping their own sheep.

We must not forget the *Carnifex*, or Common Hangman whose Business lay only in Crucifixions. *Cicero* has a very good Observation of him, That by reason of the odiousness of his Office, he was particularly forbid by the Laws to have his Dwelling-house within the City. (b)

(a) *Vid. Sigon. de Antiqu. Jur. Civ. Rom. lib. 2. cap. 15.* (b) *Cicero pro Rabirio.*

C H A P. XIV.

Of the Provincial Magistrates; and first of the Proconsuls.

THE Chief of the Provincial Officers were the *Proconsuls*. Whether the Word ought to be wrote *Broconsul*, and declin'd, or *Proconsule*, and undeclin'd,

Grammatici certant, & adhuc sub judice lis est.

We may divide these Magistrates into four sorts;

First, Such as being *Consuls*, had their Office prolong'd beyond the time prefix'd by Law.

Secondly, Such as were invested with this Honour, either for the Government of the Provinces, or the Command in War, who before were only in a private Station.

Thirdly, Such as immediately upon the expiration of their *Consulship*, went *Croconsuls* into the Provinces in the time of the Common-wealth.

Fourthly, Such Governours as in the times of the Empire, were sent into those Provinces which fell to the share of the People.

Proconsuls of the two former sorts we meet with very rarely, only *Livy* gives us an example of each. (a)

The third kind more properly enjoy'd the Name and Dignity, and therefore deserve to be describ'd at large, with reference to their Creation, Administration, and Return from their Command.

They were not Elected by the People; but when at the *Comitia Centuriata* new *Consuls* were design'd for the following Year; one of the present *Consuls* propos'd to the *Senate*, what Provinces they would declare *Consular*: and what *Cretorian*, to be divided among the design'd *Consuls* and *Prætors*. According to their de-

(a) *Liv. lib. 8. lib. 26.*

termi-

termination, the design'd *Consuls* presently agreed what Provinces to enter upon at the expiration of their Office in the City, the Business being generally decided by casting Lots.

Afterwards, in the time of their *Consulship*, they formally got leave of the People to undertake the Military Command, which could not be otherwise obtain'd. Besides this, they procur'd a Decree of *Senate*, to determine the extent of their Provinces, the number of their Forces, the Pay that shou'd be allow'd them, with all other Necessaries for their Journey and Settlement.

By the passing of this Decree, they were said *Ornari Provincia*; and *Cicero* uses in the same sence *Ornari Apparitoribus, Scribis, &c.* who made a part of the *Proconsul's* Attendants

Nothing now remain'd, but at the end of the Year to set forward for their New Government. But we must observe, that tho' the *Senate* had given them leave to depart, yet the *Tribunes* of the Commons had power to stop their Journey; and therefore because *Craffus* went *Proconsul* into *Parthia*, contrary to the express Order of the *Tribune*; he was generally believ'd to have lost the *Roman Army*, and his own Life, as a Judgment on him for despising the Authority of that Officer, whom they always counted *Sacrosanctus*:

At their first entrance on their Province, they spent some time in conference with their immediate Predecessor, to be inform'd in the state of Things, though their Administration began the very Day of their arrival.

Their Authority, both Civil and Military, was very extraordinary. The Winter they generally spent in the execution of the first, and the Summer in the discharge of the latter.

They decided Cases of Equity and Justice, either privately in their *Prætorium*, or Palace; where they receiv'd Petitioners, heard Complaints, granted Writs under their Seal, and the like; or else publicly in the Common-Hall, with the usual Ceremonies and Formalities observ'd in Courts of Judicature, the Processes being in all respects the same as those at *Rome*.

Besides this, by virtue of their Edicts, they had the Power of ordering all things relating to the *Tributes*, Taxes, Contributions, and Provisions of Corn and Money, and whatever else belong'd to the Chief Administration of Affairs.

Their return from the Command was very remarkable: They either met their Successor at his arrival, and immediately deliver'd

ver'd into his hands the Charge of the Army, being oblig'd to leave the Province in Thirty Days; or else they came away before-hand, and left a Deputy in their room to perform the Solemnity of a Resignation, having first made up their Accounts, and left them in writing in the two chief Cities of their several Provinces.

Upon their arrival at *Rome*, if they had no Thoughts of a Triumph, they presently dismiss'd their Train, and entred the City as private Persons. If they aspir'd to this Honour, they still retain'd the *Fasces*, and other *Proconsular* Ornaments, and gave the *Senate* (assembled for this purpose in the Temple of *Bellona*) a relation of their Actions and Exploits, and petition'd for a Triumph. But in both Cases, they were oblig'd to give in their Accounts into the Publick Treasury within Thirty Days.

Though the *Proconsuls* order'd Matters as they pleas'd during their Honour; yet at their return, a very strict account was made into the whole course of their Government; and upon the discovery of any ill dealing, 'twas usual to prefer Bills against them, and bring them to a formal Trial. The Crimes most commonly objected against them were *crimen peculatus*; relating to their ill use of the Publick Money, and the deficiency of their Accounts: *Majestatis*, of Treachery and Perfidiousness against the Common-wealth; or *Reperundarum*, of Oppression or Extortion exercis'd upon the Inhabitants of the Provinces, whom, as their Allies and Confederates, the *Romans* were oblig'd to Patronize and defend.

Augustus, when, at the desire of the Senate and People, he assum'd the sole Government of the Empire, among other Constitutions at the beginning of his Reign, divided the Provinces into two parts, one of which he gave wholly over to the People, and reliev'd the other for himself. After which time, only the Governours sent into the First Division bore the Name of *Proconsuls*; though they were denied the whole Military Power, and so fell short of the old *Proconsuls*.

To these four sorts of *Proconsuls*, we may add two more from *Alexander of Naples*:

First, Such as the *Senate* created *Proconsuls* without a Province, purely for the Command of the Army, and the Care of the Military Discipline: And, secondly, such design'd *Consuls* as entred on their *Proconsular* Office, before they were admitted to the Consulship.

C H A P. XV.

Of the Provincial Prætors and Proprætors; of the Legati, Quæstors, and Proquæstors.

IN the first times of the Common-wealth, the Provinces were govern'd by *Prætors*; and as the Dominions of the State were enlarg'd, the Number of those Magistrates was accordingly encreas'd; yet even in those times, if they continu'd in the Command of the Province, beyond the time prefix'd for the continuance of their *Prætorship*, they took upon them the Names of *Proprætors*, though they still kept the same Authority as before.

About *A. U. C.* 604. the design'd *Prætors* began to divide the *Prætorian*, or lesser Provinces, by Lot, in the same manner as the *Consuls* did the *Consular*; and when at the end of the Year, they repair'd to their respective Governments, assum'd the Title of *Proprætors*. As their Creation was the same as that of the *Proconsuls*; so their entrance upon their Office, and the whole course of their Administration, was exactly answerable to theirs; only that they were allow'd but Six *Lictors*, with an equal Number of *Fasces*, whereas the *Proconsuls* had Twelve of each.

Now though before the time of *Augustus*, the *Proprætors*, by reason of their presiding over the Provinces of lesser Note and Importance, were always reckon'd inferiour to the *Proconsuls*; yet upon his division of the Provinces, the Governours of those which fell to his share, bearing the Name of *Proprætors*, got the Preference of the *Proconsuls*, in respect of Power and Authority; being invest'd with the Military Command, and continuing in their Office as long as the Emperour pleas'd.

The chief Assistants of the *Proconsuls*, and the *Proprætors*, were the *Legati* and the Provincial *Quæstors*. The former, being different in number, according to the Quality of the Governour whom they accompanied; serv'd for the judging of inferiour Causes, and the management of all smaller Concerns, remitting every thing of moment to the Care of the Governour, or President.

Besides the *Legati*, there went with every *Proconsul*, or *Proprætor*, one or more *Quæstors*, whose whole Business was concern'd

cern'd in managing the Publick Accounts, taking care of the Supplies of Money, Corn, and other Necessaries and Conveniences for the maintenance of the *Roman* Army.

We seldom meet with *Proquestors* in Authors, they being only such as perform'd the Office of *Questor* in the Provinces, without the deputation of the *Senate*, which was requisite to the Constitution of the proper *Questors*. This happen'd either when a *Questor* died in his Office, or went to *Rome* without being succeeded by another *Questor*: For in both these cases, the Governour of the Province appointed another in his room, to discharge the same Duties under the Name of *Proquestor*.

Of the like nature with the *Questors*, were the *Procuratores Caesaris*, often mention'd by *Tacitus* and *Suetonius*; Officers sent by the Emperours into every Province, to receive and regulate the Publick Revenue, and to dispose of it at the Emperour's Command.

Such a Magistrate was *Pontius Pilate* in *Judea*; and though the judging of extreme Causes did not properly belong to his Office; yet because the *Jews* were always look'd upon as a rebellious Nation, and apt to revolt upon the least occasion; and because the President of *Syria* was forced to attend on other parts of his Province; therefore for the better keeping the *Jews* in order, the *Procurator* of *Judea* was invest'd with all the Authority proper to the *Proconsul*, even with the Power of Life and Death, as the Learned Bishop *Pearson* observes. (a)

(a) Bishop *Pearson* on the Creed, Art. 4.

CHAP. XVI.

Of the Comitia.

THE *Comitia*, according to *Sigonius's* Definition, were General Assemblies of the People lawfully call'd by some Magistrate, for the enjoyment or prohibition of any thing by their Votes. (a)

The proper *Comitia* were of three sorts; *Curiata*, *Centuriata*, and *Tributa*; with reference to the Three grand Divisions of the City and People into *Curia*, *Centuries*, and *Tribes*: For by

(a) *Sigon, de Antiq. Jure Civ. Romanorum, lib. 1. cap. 37.*

Comi-

Comitia Calata, which we sometimes meet with in Authors, in elder times were meant all the *Comitia* in general, the Word *Calata*, from *καλέω*, or *Calo*, being their common Epithet; though 'twas at last restrain'd to two sorts of Assemblies, those for the creation of Priests, and those for the inspection and regulation of last Wills and Testaments. (a)

The *Comitia Curiata* owe their Original to the Division which *Romulus* made of the People into Thirty *Curia*; Ten being contain'd under every *Tribu*. They answer'd, in most respects, to the *Parishes* in our Cities, being not only separated by proper Bounds and Limits, but distinguish'd too by their different Places set a-part for the celebration of Divine Service, which was perform'd by particular Priests (one to every *Curia*) with the Name of *Curiones*.

Dionysius Halicarnassæus expressly affirms, that each *Curia* was again Subdivided into *Decurie*, and these lesser Bodies govern'd by *Decuriones*. And upon the strength of his authority, most Authors of the *Roman* Customs, give the same account without any scruple. But 'tis the opinion of the Learned *Grævius* (b) that since *Dionysius* is not seconded in this part of his relation, by any ancient Writer, we ought to think it was a Mistake in that great Man; and that by forgetfulness he attributed such a division to the *Curia* as belong'd properly to the *Turme* in the Army.

Before the Institution of the *Comitia Centuriata*, all the grand Concerns of the State were transacted in the Assembly of the *Curia's*; as, the Election of Kings, and other Chief Officers, the making and abrogating of Laws, and the adjudging of capital Causes. After the expulsion of the Kings, when the Commons had obtain'd the Privilege to have *Tribunes* and *Ædiles*, they elected them for some time at these Assemblies: But that Ceremony being at length transferr'd to the *Comitia Tributa*, the *Curia* were never conven'd to give their Votes, except now and then upon account of making some particular Law, relating to Adoptions, Wills, and Testaments, or the Creation of Officers for an Expedition; or for the Electing of some of the Priests, as the *Flamines*, and the *Curio maximus*, or Superintendant of the *Curiones*, who themselves were chose by every particular *Curia*.

The Power of Calling these Assemblies belong'd at first only to the Kings; but upon the establishment of the Democracy, the

(a) *A. Gell. lib. 15. cap. 27. (b) Prefat. ad 1. Vol. Ther. Rom.*

K

same

same Privilege was allow'd to most of the Chief Magistrates and sometimes to the *Pontifices*.

The Person who had the liberty of Voting here, were such *Roman* Citizens as belong'd to the *Curia*; or such as actually liv'd in the City, and conform'd to the Customs and Rites of their proper, *Curia*; all those being excluded who dwelt without the Bounds of the City, retaining the Ceremonies of their own Country, tho' they had been Honour'd with the *Jus Civitatis*, or admitted free Citizens of *Rome* (a)

The place where the *Curia* met was the *Comitium*, a part of the *Forum* describ'd before. (b)

No set time was allotted for the holding of these or any of the other *Comitia*, but only as Business requir'd.

The People being met together, and confirm'd by the report of good Omens from the *Augurs* (which was necessary in all the Assemblies) the *Rogatio*, or Business to be propos'd to them, was publicly Read. After this (if none of the Magistrates interpos'd) upon the Order of him that presid'd in the *Comitia*; the People divided into their proper *Curia*'s, and consult'd of the matter; and then the *Curia*'s being call'd out, as it happen'd by Lot, gave their Votes, Man by Man, in ancient times *viva voce*, and afterwards by Tablets; the most Votes *Tabellæ* in every *Curia* going for the Voice of the whole *Curia*, and the most *Curia* for the general Consent of the People.. (c)

In the time of *Cicero*, the *Comitia Curiata* were so much out of fashion, that they are form'd only by thirty *Lictors* representing the thirty *Curia*; whence in his second Oration against *Rullus*, he call's them *Comitia adumbrata*.

The *Comitia Centuriata* were instituted by *Servius Tullius*; who obliging every one to give a true account of what they were worth, according to those Accounts, divided the People into fix Ranks, or *Classes*, which he subdivided into 193 *Centuries*. The first *Classis* containing the *Equites* and richest Citizens, consisted of Ninety eight *Centuries*. The second, taking in the Tradesmen and Machanicks, made up Two and twenty *Centuries*. The third, the same number. The fourth, Twenty. The fifth, Thirty. And the last, fill'd up with the poorer sort, had but one Century. (d)

(a) *Sigon. de Antiq. jure Provinc. lib. 3. cap. 1.* (b) See Part II. Book I. cap. 5.
(c) *Rosin. lib. 7. cap. 7.* (d) See *Dionys. lib. 4.*

And

And this, tho' it had the same name with the rest, yet was seldom regarded, or allow'd any power in publick Matters. Hence 'tis a common thing with the *Roman* Authors, when they speak of the *Classes*, to reckon no more than five, the sixth not being worth their notice. This last *Classis* was divided into two parts or orders, the *Proletarii*, and the *Capite Censi*. The former, as their Name implic's, were design'd to stock the Common-wealth with Men, since they could supply it with so little Money. And the latter, who paid the lowest Tax of all, were rather counted and Marshall'd by their Heads, than by their Estates. (a)

Persons of the First Rank, by reason of their Pre-eminence, had the Name of *Classici*; whence came the Phrase of *Classici Authores*, for the most approv'd Writers. All others, of what *Classis* soever, were said to be *infra classem*. (b)

The Assembly of the People by *Centuries* was held for the electing of *Consuls*, *Censors*, and *Prætors*; as also for the judging of Persons accus'd of what they call'd *Crimen Perduellionis*, or Actions by which the Party had show'd himself an Enemy to the State; and for the confirmation of all such Laws as were propos'd by the Chief Magistrates, and which had the Privilege of calling these Assemblies.

The place appointed for their Meeting was the *Campus Martius*; because in the primitive Times of the Common-wealth, when they were under continual Apprehensions of Enemies, the People, to prevent any sudden assault, went arm'd in martial order to hold these Assemblies; and were for that reason forbid by the Laws to meet in the City, because an Army was upon no account to be marshall'd within the Walls: Yet in latter Ages, 'twas thought sufficient to place a Body of Soldiers as a Guard in the *Faniculum*, where an Imperial Standard was erected, the taking down of which, denoted the conclusion of the *Comitia*.

Though the time of these *Comitia* for other Matters was undetermin'd; yet the Magistrates, after the Year of the City 601. when they began to enter on their Place, the *Kalends* of *January* were constantly design'd, about the end of *July*, and the beginning of *August*.

All the time between their Election and Confirmation, they continu'd as private Persons, that inquisition might be made into the Election, and the other Candidates might have time to enter Objections, if they met with any suspicion of foul dealing.

(a) *A. Gell. lib. 7. chap. 13.* (b) *Id. A. Gell. lib. 16. cap. 10.*
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Yet at the Election of the *Censors*, this Custom did not hold; but as soon as they were pronounc'd elected, they were immediately invested with the Honour. (a)

By the institution of these *Comitia*, *Servius Tullius* secretly convey'd the whole Power from the Commons: For the *Centuries* of the first and richest Class being call'd out first, who were Three more in number than all the rest put together, if they all agreed, as generally they did, the Business was already decided, and the other *Classes* were needless and insignificant. However, the Three last scarce ever came to Vote. (b)

The Commons, in the time of the Free State, to rectifie this Disadvantage, obtain'd, that before they proceeded to Voting any Matter at these *Comitia*, that *Century* should give their Suffrages first, upon whom it fell by Lot, with the Name of *Centuria Prerogativa*; the rest being to follow according to the Order of their *Classes*. After the constituting of the Five and thirty *Tribes*, into which the *Classes* and their *Centuries* were divided; in the first place, the *Tribes* cast Lots, which should be the *Prerogative-Tribe*; and then the *Centuries* of that *Tribe*, for the Honour of being the *Prerogative-Century*. All the other *Tribes* and *Centuries* had the appellation of *Jure vocatæ*, because they were call'd out according to their proper places.

The *Prerogative-Century* being chose by Lot, the Chief Magistrate sitting in a * Tent in the middle of the * *Tabe-naculum*. *Campus Martius*, order'd that *Century* to come out and give their Voices; upon which, they presently separated from the rest of the Multitude, and came into an enclous'd Apartment, which they term'd *Septa*, or *Ovilia*, passing over the *Pontes*, or narrow Boards, laid there for the occasion; on which account, *de Ponte dejici* is to be deny'd the privilege of Voting, and Persons thus dealt with, are call'd *Depontani*.

At the latter end of the *Pontes*, stood the *Diribitores* (a sort of under-Officers, call'd so from dividing or Marshalling the People) and deliver'd to every Man, in the election of Magistrates, as many Tablets as there appear'd Candidates, one of whose Names was wrote upon every Tablet.

A fit number of great Chests were set ready in the *Septa*, and every body threw in which Tablet he pleas'd.

By the Chests, were plac'd some of the publick Servants, who taking out the Tablets of every *Century*, for every Tablet made a

(a) Liv. lib. 40. (b) Dionys. lib. 4.

Prick, or a Point, in another Table which they kept by them. Thus the Business being decided by most Points, gave occasion to the Phrase of *Omne tulit punctum*, (a) and the like.

The same method was observ'd in the judiciary Processes at these *Comitia*, and in the Confirmation of Laws; except that in both these cases only two Tablets were offer'd to every Person, on one of which, was wrote *U. R.* and on the other *A.* in capital Letters; the two first standing for *uti rogas*, or, *be it as you desire*, relating to the Magistrate who propos'd the Question; and the last for *antiquo*, or, *I forbid it*.

'Tis remarkable, that though in the Election of Magistrates, and in the Ratification of Laws, the Votes of that *Century*, whose Tablets were equally divided, signify'd nothing; yet in Tryals of Life and Death, if the Tablets *pro* and *con* were the same in number, the Person was actually acquitted. (b)

The division of the People into *Tribes*, was an invention of *Romulus*, after he had admitted the *Sabines* into *Rome*; and though he constituted at that time only Three, yet as the State encreas'd in Power, and the City in number of Inhabitants, they rose by degrees to Five and Thirty. For a long time after this Institution, a *Tribe* signified no more than such a space of Ground with it's Inhabitants. But at last the Manner was quite alter'd, and a *Tribe* was no longer *pars Urbis* but *Civitatis*; not a Quarter of the City, but a Company of Citizens living where they pleas'd. This change was chiefly occasion'd by the original difference between the *Tribes* in point of Honour. For *Romulus* having committed all Sordid and Mechanic Arts to the care of Strangers, Slaves or Libertines, and reserv'd the more honest labour of Agriculture to the Free-men and Citizens, who by this active course of Life might be prepar'd for Martial Service; the *Tribus Rusticæ* were for this reason esteem'd more honourable than the *Urbanæ*: And now all Persons being desirous of getting into the more Creditable Division, and there being several ways of accomplishing their Wishes, as by Adoption, by the Power of the *Censors* and the like; that *Rustic Tribe* which had most worthy Names in its Roll had the preference to all others, tho' of the same general Denomination. Hence all of the same great Family, bringing themselves by degrees into the same *Tribe*, gave the Name of their Family to the *Tribe* they honour'd; whereas at first, the generality of the *Tribes*, did not borrow their Names from Persons but from Places. (b)

(a) Hor. de Arte Poet. (b) Dionys. lib. 7. (c) See Mr. Walker's 9th Coin. p. 125. The

The first Assembly of the Tribes we meet with, is about the Year of Rome 263. conven'd by *Sp. Sicinius*, Tribune of the Commons, upon account of the Tryal of *Coriolanus*. Soon after, the Tribunes of the Commons were order'd to be elect'd here; and at last all the inferiour Magistrates, and the Collegiate Priests. The same *Comitia* serv'd for the enacting of Laws relating to War and Peace, and all others propos'd by the Tribunes and Plebeian Officers; though they had not properly the Name of *Leges*, but *Plebiscita*. They were generally conven'd by the Tribunes of the Commons; but the same Privilege was allow'd to all the Magistrates.

They were confin'd to no place, and therefore sometimes we find them held in the *Comitium*, sometimes in the *Campus Martius*, and now and then in the Capitol.

The Proceedings were, in most respects, answerable to those already describ'd in the account of the other *Comitia*, and therefore need not be insist'd on; only we may farther observe of the *Comitia* in general, that when any Candidate was found to have most Tablers for a Magistracy, he was declar'd to be *design'd*, or *elect'd*, by the President of the Assembly: And this they term'd *renunciari Consul, Prator*, or the like: And that the last sort of the *Comitia* only could be held without the Consent and Approbation of the *Senate*, which was necessary to the convening of the other two. (a)

(a) *Dionys. lib. 9.*

C H A P. XVII.

Of the Roman Judgments; and first of Private Judgments.

A Judgment, according to *Aristotle's* definition, is no more than *ἡ κρίσις τῶ δικαίου καὶ ἀδικοῦ*, the decision of Right and Wrong.

The whole subject of the Roman Judgments is admirably explain'd by *Sigonius* in his Three Books *de Judiciis*, from whom the following Account is for the most part extracted.

Judg.

Judgments, or *Determinations* of a proper Judge, were made either by a competent number of select Judges, or by the whole People in a General Assembly.

Judgments made by one or more select Judges, may be divided into publick and private; the first relating to Controversies, the second to Crimes.

The former will be sufficiently describ'd, if we consider the Matter, or Subject, of these *Judgments*, the Persons concern'd in them, and the manner of proceeding.

The matter of private *Judgments* takes in all sort of Causes that can happen between Man and Man; which being so vastly extended, and belonging more immediately to the Civil Law, need not here be insist'd on.

The Persons concern'd were the Parties, the Assistants, and the Judges.

The Parties were the *Actor* and *Reus*, the Plaintiff and Defendant.

The Assistants were the *Procuratores*, and the *Advocati*, of whom, tho' they are often confounded, yet the first were properly such Lawyers as assisted the Plaintiff in proving, or the Defendant in clearing himself from the matter of Fact: The other, who were likewise call'd *Patroni*, were to defend their Clients Cause in matters of Law. (a)

Both these were selected out of the ablest Lawyers, and had their Names entred in the Matriculation-Book of the *Forum*. This was one Condition requisite to give them the liberty of Pleading; the other was the being retain'd by one Party, or the receiving a Fee, which they term'd *Mandatum*. (b)

The Judges, besides the *Prator*, or supreme Magistrate, who presided in the Court, and allow'd and confirm'd them, were of three sorts. *Arbitri*, *Recuperatores*, and *Centumviri litibus judicandis*.

Arbitri, whom they call'd simply *judices*, were appointed to determine in some private Causes of no great Consequence, and of very easie decision.

Recuperatores were assign'd to decide the Controversies about receiving or recovering things which had been lost or taken away.

But the usual Judges in private Causes, were the *Centumviri*; three of which were taken out of every Tribe, so that their number was five more than their Name import'd. 'Tis proba-

(a) *Zouch, Element. Jurisprud. p. 5. Sect. 3.* (b) *Ibid.*

ble that the *Arbitri* and *Recuperatores* were assign'd out of this Body by the *Prætor*.

The manner of carrying on the private Suits was of this nature. The difference failing to be made up between Friends, the injur'd Person proceeded *In jus reum vocare*, to summon or cite the offending Party to the Court; who was oblig'd immediately to go with him, or else to give Bond for his appearance; according to the common Maxim, *In jus vocatus aut eat aut stitide*.

Both Parties being met before the *Prætor*, or other supreme Magistrate presiding in the Court, the Plaintiff propos'd the Action to the Defendant, in which he design'd to sue him: This they term'd *Edere actionem*, being perform'd commonly by writing it in a Tablet, and offering it to the Defendant, that he might see whether he had best compound or stand the Suit.

In the next place came the *postulatio actionis*, or the Plaintiff's desiring leave of the *Prætor* to prosecute the Defendant in such an Action: This being granted, the Plaintiff, *vadabatur reum*, oblig'd him to give Sureties for his appearance on such a Day in the Court; and this was all that was done in publick, before the prefix'd Day for the Tryal.

In the mean time, the difference us'd very often to be made up, either *Transfatione*, or *Pactio*, by letting the Cause fall as dubious and uncertain; or by composition for so much damage, to be ascertain'd by an equal number of Friends.

On the Day appointed for the hearing, the *Prætor* order'd the several Bills to be read, and the Parties to be summon'd by an *Accensus* or Beadle. Upon the default of either Party, the Defaulter lost his Cause. The appearing of both they term'd *se stitisse*; and then the Plaintiff proceeded *litem sive actionem intendere*, to prefer the Suit; which was perform'd in a set Form of Words, varying according to the difference of the Actions. After this, the Plaintiff desir'd Judgment of the *Prætor*; that is, to be allow'd a *Judex* or *Arbiter*, or else the *Recuperatores* or *Centumviri*, for the hearing and deciding the business; but none of these could be desir'd, unless both Parties agreed. The *Prætor*, when he assign'd them their Judges, at the same time, defin'd the number of Witnesses, to hinder the protracting of the Suit; and then the Parties proceeded to give caution, that the Judgment, whatever it was, should stand and be perform'd on both sides. The Judges always took a solemn Oath to be impartial; and the Parties swore they did not go to Law with a design to abuse

buse one another: This they call'd *Juramentum calumnie*. Then began the *Disceptatio causæ*, or disputing the Case, manag'd by the Lawyers on both sides, with the assistance of Witnesses, Writings, and the like; the use of which, is so admirably taught in their Books of Oratory.

In giving Sentence, the major part of the Judges was requir'd to overthrow the Defendant. If the number was equally divided, the Defendant was actually clear'd; and if half condemn'd him in one Sum to be paid, and half in another, the least Sum always stood good. (a)

The consequence of the Sentence was, either *in integrum restitutio*, *addictio*, *judicium calumnie*, or *judicium falsi*.

The first was, when upon Perdition of the Party who was overthrown, the *Prætor* gave him leave to have the Suit come on again, and allow him another full hearing.

Addictio was, when the Party who had been cast in such a Sum, unless he gave Surety to pay it in a little time, was brought by the Plaintiff before the *Prætor*, who deliver'd him into his disposal, to be committed to Prison, or otherwise secur'd, 'till satisfaction were made.

Judicium Calumnie, was an Action brought against the Plaintiff for false Accusation.

Judicium falsi, was an Action which laid against the Judges for Corruption and unjust Proceedings.

(a) Zouch. Element. p. 5. Sect. 10.

C H A P. XVIII.

Of Publick Judgments.

FOR the knowledge of Publick Judgments, we may take notice of the Crimes, of the Punishments, of the *Quæstors* and Judges, of the method of proceeding, and of the consequences of the Tryal.

The Crimes, or the matter of the Publick Judgments, were such Actions as tended either mediately or immediately, to the prejudice of the State, and were forbid by the Laws. As if any Person had derogated from the Honour and Majesty of the Com-

mon-

mon-wealth; had imbezzell'd or put to ill uses the publick Money, or any Treasure consecrated to Religion; or had corrupted the Peoples Votes in an Election; or had extorted Contributions from the Allies; or received Money in any Judgment; or had us'd any violent Compulsion to a Member of the Commonwealth: These they term'd *Crimina Majestatis, peculatus, ambitus, repetundarum*, and *vis publica*: Or if any Person had kill'd another with a Weapon, or effected the same with Poyson; or laid violent Hands on his Parents; or had forg'd a Will; or counterfeited the publick Coin; or had corrupted another Man's Wife; or had bought, bound, or conceal'd a Servant without the knowledge of his Master: Whence these Crimes took the Names, *inter sicarios, veneficii, parricidii, falsi, adulterii, plagii*.

Besides these, any private Cause, by virtue of a new Law, might be made of publick Cognizance.

As to the Punishments, they may be allow'd a Chapter by themselves hereafter.

The Inquisition of Criminal Matters belong'd at first to the Kings, and after the abrogation of that Government, for some time to the Consuls: But being taken from them by the *Valerian Law*, it was conferr'd, as Occasions happen'd, upon Officers deputed by the People, with the Title of *Questitores Parricidii*. But about the Year of the City 604. this power was made perpetual, and appropriated to the *Prætors*, by virtue of an Order of the People at their annual Election; the Inquisition of such and such Crimes being committed to such and such *Prætors*: Yet upon extraordinary Occasions, the People could appoint other *Questitores*, if they thought convenient.

Next to the *Questitor*, was the *Judex questionis*; call'd also by *Asconius Princeps judicium*, who, tho' he is sometimes confounded with the *Prætor*, yet was properly a Person of Note, deputed by the *Prætor* to manage the Tryal, of which he himself perform'd only the main business.

After him were the *Judices selecti*, who were summon'd by the *Prætor* to give their Verdict in Criminal Matters, in the same manner as our Juries. They were chose every Year to a set number defin'd by the Laws, which by reason of the preferring of new Laws, often varied.

As to the method of the Proceedings, the first Action, which they term'd *in jus vocatio*, was much the same in publick as in private Causes: But then, as the *Postulatio* of the Plaintiff consisted in desiring leave of the *Prætor* to enter a Suit against the

Defen-

Defendant; so here the Accuser desir'd permission to enter the Name of the Offender, with the Crime which he objected to him: This they call'd *Nominis delatio*; being perform'd first *viva voce*, in a set Form of Words, according to the nature of the Crime, and then offer'd to the *Prætor*, being wrot in a Tablet; if approv'd by the *Prætor*, the accus'd Party's Name was entred in the Roll of Criminals; both Persons having taken the *Oath of Calumny* already spoken of.

At the entrance of the Name, the *Prætor* appointed a set Day for the Tryal: And from that time the accus'd Person chang'd his Habit, going in Black 'till the Tryal was over, and using in his Dress and Carriage all Tokens of Sorrow and Concern.

Upon the appointed Day, the Court being met, and both Parties appearing, the first thing that was done, was the *sortitio judicium*, or impannelling the Jury; perform'd commonly by the *Judex Questionis*, who took by Lot such a number out of the Body of the *Judices selecti*, as the particular Law on which the Accusation was founded, had determin'd; Liberty being given to both Parties to reject (or, as we call it, to challenge) any that they pleas'd, the *Prætor* or *Judex Questionis* substituting others in their Places.

The Jury being thus chose, was cited by the publick Servants of the Court; and when the proper number appear'd, they were sworn, and then took their places in the *Subsellia*, and heard the Tryal.

In this we may reckon four Parts, *Accusatio, Defensio, Laudatio, and Latio sententie*.

Accusatio is defin'd, *perpetua oratio ad crimina inferenda atque augenda artificiose composita*. A continu'd Oration artificially, compos'd for the making out and heightning the Crimes alledg'd: For it did not only consist in giving a plain Narration of the matter of Fact, and confirming it by Witnesses and other Evidences; but in bringing of other Arguments too, drawn from the nature of the thing, from the Character of the accus'd Person, and his former course of Life, from the circumstances of the Fact, and several other Topicks, which the Orators teach us to enlarge upon: Nor was the Accuser limited in respect of time, being allow'd commonly as many Days as he pleas'd, to make good his Charge.

Defensio belong'd to the Lawyers or Advocates retain'd by the accus'd Party, who in like manner were allow'd to speak as many Days as they pleas'd, toward the clearing of their Client. The

three

three common Methods they took, were *Facti negatio*, *negatio nominis facti*, or *probatio jure factum*: either plainly to deny the matter of Fact, and endeavour to evince the contrary; or else to acknowledge the Fact, and yet to deny that it fell under the nature of the Crime objected: Or, lastly, to prove the Fact lawful.

The first way of Defence was generally us'd when the Person stood indicted of what they call'd *crimen repetundarum*, and *crimen ambitus*; the next in the *crimen Majestatis*, and the last in cases of Murder.

Cicero has given us an excellent Example in every kind. Of the first in his Orations for *Foncius*, *Flaccus*, *Murena*, and *Plancius*: Of the second in that for *Cornelius*; and of the third in his admirable defence of *Milo*.

Laudatio was a custom like that in our Tryals, of bringing in Persons of credit to give their Testimony of the accus'd Person's good Behaviour, and integrity of Life. The least number of these *Laudatores* us'd to be Ten.

In the *latio sententiae*, or pronouncing Sentence, they proceeded thus: After the Orators on both sides had said all they design'd, the Cryer gave notice of it accordingly; and then the *Prætor* sent out the Jury to consult, (*mittebat judices in consilium*) delivering to every one Three Tablets cover'd with Wax, one of Absolution, another of Condemnation, and a third of *Ampliation*, or Adjournment of the Tryal; the first being mark'd with A; the second with C; the other with N, L. or *non liquet*.

In the place where the Jury withdrew, was set a proper number of Urns, or Boxes, into which they threw what Tablet they pleas'd; the accus'd Person prostrating himself all this while at their Feet, to move their Compassion.

The Tablets being drawn, and the greatest number known, the *Prætor* pronounc'd Sentence accordingly. The Form of Condemnation was usually *videtur fecisse*, or *non jure videtur fecisse*: Of Absolution, *non videtur fecisse*: Of *Ampliation*, *amplius cognoscendum*. Sometimes he mention'd the Punishment, and sometimes left it out, as being determin'd by the Law, on which the Indictment was grounded.

The consequences of the Tryal in criminal Matters, may be reduc'd to these four Heads, *Æstimator litis*, *Animadversio*, *Judicium calumnie*, and *Judicium prævaricationis*.

Æsti-

Æstimator litis; or the rating of of the Damages, was in use only in Cases of Bribery, and abuse of the publick Money.

Animadversio, was no more than the putting the Sentence in execution, which was left to the care of the *Prætor*.

But in case the Party was absolv'd, there lay two Actions against the Accuser; one of Calumny, the common Punishment of which was *frontis inustio*, burning in the Forehead: And the other of Prevarication, when the Accuser, instead of urging the Crime home, seem'd rather to hide or extenuate the Guilt: Hence the Civilians define a Prevaricator, to be *one that betrays his Cause to the Adversary, and turns on the Criminal's side whom he ought to prosecute*.

C H A P. XIX.

Judgments of the whole People.

THE People were sometimes the Judges both in private and publick Causes; tho' of the first, we have only one Example in *Livy*; the other we frequently meet with in Authors.

These Judgments were made first at the *Comitia Curiata*, and afterwards at the *Centuriata*, and *Tributa*; the Proceedings in all which Assemblies have been already shewn: What we may further observe is this: When any Magistrate design'd to impeach a Person of a Crime before the whole People, he ascended the *Rostra*, and calling the People together by a Cryer, signified to them, That upon such a Day, he intended to accuse such a Person of such a Crime: This they term'd *reo diem dicere*: The suspected Party was oblig'd immediately to give Sureties for his Appearance on the Day prefix'd, and in default of Bail was commanded to Prison.

On the appointed Day, the Magistrate again ascended the *Rostra*, and cited the Party by the Cryer; who, unless some other Magistrate of equal Authority interpos'd, or a sufficient Excuse was offer'd; was oblig'd to appear, or might be punish'd at the Pleasure of the Magistrate who accus'd him: If he appear'd, the Accuser began his Charge, and carried it on every other Day, for six Days together; at the end of the Indictment,

menti-

mentioning the particular Punishment specified in the Law for such an Offence: This intimation they term'd *inquisitio*. The same was immediately after express'd in Writing, and then took the Name of *Rogatio*, in respect of the People, who were to be ask'd or consulted about it; and *Irrogatio* in respect of the Criminal, as it import'd the Mulct or Punishment assign'd him by the Accuser. This *Rogatio* was publickly expos'd three *Nundinae*, or Market-days together, for the information of the People. On the third Market-day, the Accuser again ascended the *Rostra*; and the People being call'd together, undertook the fourth turn of his Charge, and having concluded, gave the other Party leave to enter upon his Defence, either in his own Person, or by his Advocates.

At the same time, as the Accuser finish'd his fourth Charge, he gave notice what Day he'd have the *Comitia* meet to receive the Bill, the *Comitia Tributa* to consider of Mulcts, and the *Centuriata* for Capital Punishments.

But in the mean time, there were several ways by which the accus'd Party might be reliev'd; as first, if the Tribunes of the Commons interpos'd in his behalf; or if he excus'd himself by voluntary Exile, Sicknefs, or upon account of providing for a Funeral; or if he prevail'd with the Accuser to relinquish his Charge, and let the Cause fall; or if upon the Day appointed for the *Comitia*, the *Augurs* discover'd any ill Omens; and so forbad the Assembly.

If none of these happen'd, the *Comitia* met, and proceeded, as has been already describ'd; and as for the *Animadversio* or putting the Sentence in execution, this was perform'd in the same manner as in the *Prætorian* Judgments.

The Forms of Judgments which have been thus describ'd, must be suppos'd to have prevail'd chiefly in the time of the free State: For as the Kings before, so the Emperours afterwards, were themselves Judges in what Causes, and after what manner they pleas'd; as *Suetonius* particularly informs us of almost all the Twelve *Cæsars*. 'Twas this gave occasion to the rise of the *Mandatores* and *Delatores*, a sort of Wretches to be met with in every part of History. The business of the former was to mark down such Persons as upon Inquisition they pretended to have found guilty of any Misdemeanour; and the latter were employ'd in accusing and prosecuting them upon the other's Order. This mischievous Tribe, as they were countenanced and rewarded by ill Princes, so were they extremely detest-

derefted by the good Emperours. *Titus* prosecuted all that could be found upon the most diligent search, with Death or perpetual Banishment (a): And *Pliny* reckons it among the greatest Praises of *Trajan*, that he had clear'd the City from the perjurd Race of Informers. (b)

(a) *Sueton. in Tit. cap. 8.* (b) *Plin. in Panegyric.*

CHAP. XX.

Of the Roman Punishments.

THE accurate *Sigonius* has divided the Punishments into eight sorts, *Dammum*, *Vincula*, *Verbera*, *Talio*, *Ignominia*, *Exilium*, *Servitus*, *Mors*.

Dammum was a pecuniary Mulct or Fine set upon the Offender, according to the quality of the Crime.

Vincula signifies the guilty Person's being condemn'd to Imprisonment and Fetters; of which they had many sorts, as *Manica*, *Pedice*, *Nervi*, *Boia*, and the like. The publick Prison in *Rome* was built by *Ancus Martius*, hard by the *Forum*: (a) To which a new part was added by *Servius Tullius*, called thence *Tullianum*: *Sallust* describes the *Tullianum* as an Apartment underground, (b) into which they put the most notorious Criminals. The higher part, rais'd by *Ancus Martius*, has commonly the Name of the *Robur*; from the Oaken Planks which compos'd it. For the keeping of the Prison, besides the *Triumviri*, was appointed a sort of Gaoler, whom *Valerius Maximus* calls *Custos carceris*, (c) and *Pliny Commentariensis*. (d)

Verbera, or Stripes, were inflicted either with Rods [*Virga*] or with Battoons [*Fustes*]: The first commonly preceded capital Punishments, properly so call'd: The other was most in use in the Camp, and belong'd to the Military Discipline.

Talio was a Punishment by which the guilty Person suffer'd exactly after the same manner as he had offended; as in Cases of maiming, and the like. Yet *A. Gellius* informs us, that the Criminal was allow'd the liberty of compounding with the Person

(a) *Liv. lib. 1.* (b) *In Bello Catilinar.* (c) *Lib. 5.* (d) *Lib. 7. cap. 38.*

he had injur'd; so that he needed not suffer the *Tajia* unless he voluntarily chose it. (a)

Ignominia was no more than a publick Shame which the offending Person underwent, either by virtue of the *Prætor's* Edict, or more commonly by Order of the *Censor*: This Punishment, besides the Scandal, took away from the Party, on whom 'twas inflicted, the Privilege of bearing any Office, and almost all other Liberties of a *Roman* Citizen.

Exilium was not a Punishment immediately, but by consequence; for the Phrase us'd in the Sentence and Laws, was *Aque & ignis interdictio*, the forbidding the use of Water and Fire, which being necessary for Life, the condemn'd Person was oblig'd to leave his Country. Yet in the times of the latter Emperours, we find it to have been a positive Punishment, as appears from the Civil Law. *Relegatio* may be reckon'd under this Head, tho' it were something different from the former; this being the sending a Criminal to such a Place, or for such a Time, or perhaps for ever, by which the Party was not depriv'd of the Privilege of a Citizen of *Rome*, as he was in the first sort of Banishment, which they properly call'd *Exilium*. *Suetonius* speaks of a new sort of *Relegatio* invented by the Emperour *Claudius*; by which he order'd suspected Persons not to stir three Miles from the City. (b) Besides this *Relegatio* they had two other kinds of Banishment, which they term'd *Deportatio*; and *Proscriptio*; tho' nothing is more common than to have them confounded in most Authors. *Deportatio*, or Transportation differ'd in these Respects from *Relegatio*; that whereas the *Relegati* were condemn'd either to change their Country for a set time, or for ever, and lost neither their Estate and Goods, nor the Privilege of Citizens: On the contrary the, *Deportati* were banish'd always for ever, and lost both their Estates and Privileges, being counted dead in the Law. (c) As for the *Proscripti* they are defin'd by the Lawyers to be such Persons whose Names were fix'd up in Tablets at the Forum, to the end that they might be brought to Justice; a Reward being propos'd to those that took them, and a Punishment to those that conceal'd them. (d) *Sylla* was the first Inventor of this Practice, and gave himself the greatest Example of it that we meet with, proscribing 2000 Knights and Senators at once. (e) 'Tis plain, that this was not a positive Banishment, but a for-

(a) *Vide Agell. lib. 11. cap. 1.* (b) *Suet. in Claud. cap. 33.* (c) *Calvin. Lexicon Juridic in voc. Deportati & Relegat.* (d) *Ibid in voce Proscripti.* (e) *Florus, lib. 2. cap. 28.*

for-

forcing Persons to make use of that security; so that we may fancy it of like nature with our Outlawry.

Servitus was a Punishment, by which the Criminal's Person as well as Goods was publicly expos'd to sale by Auction: This rarely happen'd to the Citizens, but was an usual way of treating Captives taken in War, and therefore will be describ'd hereafter.

Under the Head of Capital Punishments, the *Romans* reckon'd extreme Banishment, because those who underwent *Mors.* that Sentence were in a civil Sence dead. But because this Punishment has been already describ'd, we are only now to take notice of such as reach'd the Offender's Life.

The chief of these were, *Percussio securi*, *Strangulatio*, *Præcipitatio de robore*, *Dejectio e rupe Tarpeia*, *in crucem actio*, and *Pro-jectio in profluentem*.

The first was the same as beheading with us.

The second was perform'd in the Prison, as it is now in *Turkey*.

The third and fourth were a throwing the Criminal headlong either from that part of the Prison call'd *Robur*; or from the highest part of the *Tarpeian* Mountain.

The fifth Punishment, namely Crucifixion, was seldom inflicted on any but Slaves, or the meanest of the Commons; yet we find some Examples of a different Practice; and *Suetonius* particularly relates of the Emperour *Galba*, that having condemn'd a *Roman* Citizen to suffer this Punishment for poisoning his Ward, the Gentleman, as he was carrying to Execution, made a grievous complaint that a Citizen of *Rome* should undergo such a servile Death; alledging the Laws to the contrary: The Emperour hearing his Plea, promis'd to alleviate the shame of his Sentence, and order'd a Cross much larger and more neat than ordinary to be erected, and to be wash'd over with White Paint, that the Gentleman who stood so much on his Quality, might have the Honour to be hang'd in State. (a)

The Cross and the *Furca* are commonly taken for the same thing in Authors; tho', properly speaking, there was a great difference between them. The *Furca* is divided by *Lipsius* into *Ignominiosa* and *Pœnalis*: The former *Plutarch* describes to be that piece of Wood which supports the Thill of a Waggon: He adds, that 'twas one of the greatest Penances for a Servant who

(a) *Sueton. in Galbâ, cap. 9.*

I.

had

had offended, to take this upon his Shoulders, and carry it about the Neighbourhood; for whoever was seen with this infamous Burden, had no longer any Credit or Trust among those who knew it, but was call'd *Furcifer* by way of Ignominy and Reproach. (a) *Furca pœnalis* was a piece of Wood, much of the same shape as the former, which was fastned about the convicted Person's Neck, he being generally either scourg'd to death under it; or lifted up by it upon the Cross. *Lipsius* makes it the same with the *Patibulum*, and fancies that for all the Name, it might not be a forked piece of Timber, but rather a straight Beam, to which the Criminal's Arms being stretch'd out, were tied; and which, being hoisted up at the place of Execution, serv'd for the transverse part of the Cross.

Proiectio in profluentem was a Punishment proper to the Crime of Parricide; (or the Murder of any near Relation) The Person convicted of this unnatural Guilt, was immediately hooded, as unworthy of the common Light: In the next place, he was whipp'd with Rods, and then sow'd up in a Sack and thrown into the Sea; or, in Inland Countries, into the next Lake or River. Afterwards, for an Addition to the Punishment, a Serpent us'd to be put into the Sack with the Criminal; and by degrees, in latter times, an Ape, a Dog, and a Cock. The Sack, which held the Malefactor, was term'd *Culeus*; and hence the Punishment it self is often signified by the same Name. The reason of the addition of the living Creatures is thought to have been, that the condemn'd Persons might be tormented with such troublesome Company, and that their Carcasses might want both burial and rest. *Juvenal* expressly alludes to this Custom in his eighth Satyr.

*Libera si dentur populo suffragia, quis tam
Perditus, ut dubitet Senecam præferre Neroni,
Cujus supplicio non debuit una parari
Simia, non Serpens unus, non culeus unus?*

Had we the freedom to express our Mind,
There's not a Wretch so much to Vice inclin'd,
But will own *Seneca* did far excell
His Pupil, by whose Tyranny he fell,
To expiate whose complicated Guilt
With some proportion to the Blood he spilt,

(a) *Vide Plutarch. in Coriolan.*

Rome

Rome should more Serpents, Apes, and Sacks provide
Than one, for the Compendious Parricide.

[Mr. Stepmey.

The same Poet in another place intimates, that this Sack was made of Learher. (a)

Tully, in his Defence of *Sextus Roscius*, who stood arraign'd for Parricide, has given an admirable account of this Punishment, with the Reasons on which it was grounded; particularly, that the Malefactor was thrown into the Sea, sow'd up in a Sack, for fear he should pollute that Element, which was reckon'd the common Purifier of all things.

Besides the Punishments mention'd by *Sigonius*, who seems to consider the Roman People as in a free State, we meet with abundance of others, either invented or reviv'd in the times of the Emperors, and especially in later Ages: Among these, we may take notice of three, as the most considerable, *Ad Ludos*, *ad Metalla*, *ad Bestias*.

The Lawyers divide *Ludus*, when they take it for a Punishment, into *Venatorius* and *Gladiatorius*. (b) By the former, the convicted Persons (commonly Slaves) were oblig'd to engage with the wild Beasts in the Amphitheatre; by the latter, they were to perform the part of *Gladiators*, and satisfy Justice by killing one another.

Ad Metalla, or a condemning to work in the Mines, *Suidas* would have to be invented by *Tarquinius Superbus*. (c) Whatever reason he had for his Assertion, 'tis certain we rarely find it mention'd till the times of the later Emperours; and particularly in the Histories of the Persecutions of the *Christians*, who were usually sent in great numbers to this laborious and slavish Employment, with the Name of *Metallici*.

The throwing of Persons to wild Beasts, was never put in execution but upon the vilest and most despicable Malefactors in Crimes of the highest nature. This too was the common Doom of the *Primitive Christians*; and 'tis to the accounts of their Sufferings, we are beholden for the knowledge of it. It may be observ'd, that the Phrase, *ad Bestias dari*, signifies as well such Criminals as were condemn'd to fight with the Beasts, as those who were deliver'd to them to be devour'd: And the former of these were properly term'd *Bestiarii*. (d)

There's still one Punishment behind, worth our Observation, and which seems to have been proper to Incendiaries, and that was the wrapping up the Criminal in a sort of Coat, daub'd over with

(a) *Calvin. Lexicon. Juridic.* (b) *In voce Σιδεραστής.* (c) *Calvin: in voc. ad Bestias dari.* (d) *Ibid in Bestiarii.*

Pitch, and then setting it on fire. Thus when Nero had burnt Rome, to satisfy his curiosity with the Prospect; he contriv'd to lay the *Odium* on the *Christians*, as a sort of Men generally detested; and seizing on all he cou'd discover, order'd them to be lighted up in this manner, and to serve for Tapers in the dark; which was a much more cruel Jest than the former, that occasion'd it. *Juvenal* alludes to this Custom in his eighth Sateyr.

Ausi quod liceat tunica punire molestâ.

To recompence whose barbarous Intent

Pitch'd Shirts wou'd prove a legal Punishment.

CHAP. XXI.

Of the Roman Laws in general.

IN the beginning of the Roman State, we are assur'd all things were manag'd by the sole Authority of the King, without any certain Standard of Justice and Equity. But when the City grew tolerably populous, and was divided by *Romulus* into Thirty *Curie*, he began to prefer Laws at the Assembly of those *Curie*, which were confirm'd, and universally receiv'd. The like practice was follow'd by *Numa*, and several other Kings; all whose Constitutions being collected into one Body, by *Sextus Papirius*, who liv'd in the time of *Tarquin the Proud*, took from him, the Name of *Jus Papirianum*.

But all these were abrogated soon after the expulsion of the Royal Family, and the judicial Proceedings for many Years together, depended only on Custom, and the Judgment of the Court. At last, to redress this Inconvenience, Commissioners were sent into Greece, to make a Collection of the best Laws for the Service of their Country; and, at their return, the *Decemviri* were created to regulate the Business, who reduc'd them into Twelve Tables, as has been already shewn. The excellency of which Institution, as it is sufficiently set forth by most Authors, so is it especially beholden to the high *Encomium* of *Cicero*, when he declares it as his positive Judgment and Opinion, That the Laws of the Twelve Tables are justly to be preferr'd to whole Libraries of the Philosophers. (a)

(a) *Cicero de Oratore, lib. 1.*

They

They were divided into three Parts, of which the first related to the Concerns of Religion; the second to the Right of the Publick; and the last to private Persons.

These Laws being establish'd, it necessarily follow'd, that there shou'd be Disputations and Controversies in the Courts, since the Interpretation was to be founded on the Authority of the Learned. This Interpretation they call'd *Jus Civile*, though at present we understand by that Phrase, the whole System of the Roman Laws.

Besides, out of all these Laws, the Learned Men of that Time, compos'd a Scheme of Forms and Cases, by which the Processes in the Courts were directed. These were term'd *Actiones Legis*.

We may add to these, the Laws preferr'd at the Publick Assemblies of the People; and the *Plebiscita*, made without the Authority of the Senate, at the *Comitia Tributa*, which were allow'd to be of equal force with other Constitutions, though they were not honour'd with the Title of *Leges*.

And then the *Senatus-consulta*, and Edicts of the Supreme Magistrates, particularly of the *Prætors*, made up two more sorts of Laws, the last of which, they call'd *Jus honorarium*.

And, lastly, when the Government was entrusted in the hands of a single Person, whatever he ordain'd, had the Authority of a Law, with the Name of *Principalis Constitutio*.

Most of these daily encreasing, gave so much scope to the Lawyers for the compiling of Reports and other Labours, that in the Reign of *Justinian*, there were extant Two thousand distinct Volumes on this Subject. The Body of the Law being thus grown unweildy, and render'd almost useless by its excessive Bulk, that excellent Emperour entred on a design to bring it into just dimensions; which was happily accomplish'd in the constituting those Four Tomes of the *Civil Law*, which are now extant, and have contributed, in a great measure, to the regulating of all the States in Christendom: So that the old Fancy of the Romans, about the eternity of their Command, is not so ridiculous as at first sight it appears; since by their admirable Sanctions, they are still like to Govern for ever.

C H A P. XXII.

Of the Laws in particular; and first of those relating to Religion.

AS for the Laws of the Twelve Tables, and other more ancient Institutions, as it wou'd require no ordinary Stock of Criticism barely to explain their Words; so is the Knowledge of them almost useless, since they are so seldom mention'd by the Classics. Those which we generally meet with, are such as were preferr'd by some particular Magistrate, from whom they took their Names; these, by reason of their frequent Occurrence in the best Writers, deserve a short explication, according to the common Heads laid down by those Authors who have hitherto manag'd this Subject; beginning with such as concern'd the Publick Worship, and the Ceremonies of Religion.

Sulpitia Sempronia Lex, the Authors *P. Sulpitius Saverrio*, and *P. Sempronius Sophus*, in their Consulship, *A. 449.* ordaining, That no Person shou'd consecrate any Temple, or Altar, without the Order of the *Senate*, and the major part of the *Tribunes*. (a)

Papiria Lex, the Author *L. Papirius*, Tribune of the Commons; commanding, that no Person shou'd have the liberty of consecrating any Edifice, Place, or Thing, without the leave of the Commons. (b)

Cornelia Lex, the Author *L. Cornelius Sulla*, defining the Expences of Funerals. (c)

Sextia Licinia Lex, the Authors *L. Sextius* and *Licinius*, *Tribunes* of the Commons, *A. 385.* commanding, That instead of the *Duumviri sacris faciundis*, a *Decemvirate* shou'd be created, part out of the *Patricians*, and part out of the Commons. (d)

Ogulnia Lex, the Authors *Q. and Cn. Ogulnii*, *Tribunes* of the Commons, *A. 453.* commanding, That whereas there were then but Four *Pontifices*, and Four *Augurs*, Five more shou'd be added out of the Commons to each Order. (e)

(a) *Liv. lib. 9.* (b) *Cicero in Orat. pro Domo sua.* (c) *Plut. in Syll.* (d) *Liv. lib. 6.* (e) *Liv. lib. 10.*

Manlia

Manlia Lex, the Author *P. Manlius*, Tribune of the Commons, *A. 557.* enacted for the creation of the *Tresviri Epulones*, an old Institution of *Numa's*. (a)

Clodia Lex, the Author *P. Clodius* in his *Tribuneship*, *A. 695.* divesting the Priest of *Cybele* (or the *Great Mother*, who came from *Pessinum*) of his Office, and conferring it on *Brotigarus* a *Gallo-Grecian*. (b)

Papia Lex, ordering the manner of chusing the *Vestal Virgins*, (c) as has been already describ'd.

The Punishment of those holy Recluses is grounded on the Laws of *Numa*.

Licinia Lex, preferr'd by *C. Licinius Crassus*, Tribune of the Commons, *A. 608.* for the transferring the Right of chusing Priests, from the College to the People; (d) but it did not pass. (e)

Domitia Lex, the Author *Cn. Domitius Ahenobarbus*, Tribune of the Commons, *A. 650.* actually transferring the said Right to the People. (f)

Cornelia Lex, the Author *L. Cornelius Sulla*, Dictator and Consul with *Q. Metellus*, *A. 677.* abrogating the former Law of *Domitius*, and restoring the Privilege there mention'd to the College. (g)

Atia Lex, the Author *T. Atius Labienus*, Tribune of the Commons, *A. 690.* repealing the *Cornelian Law*, and restoring the *Domitian*. (h)

Antonia Lex, the Author *M. Antony* in his Consulship with *Julius Caesar*, *A. 709.* abrogating the *Aetian Law*, and restoring the *Cornelian*. (i) *Paulus Manutius* has conjectur'd from several Reasons, that this Law of *Antony* was afterwards repeal'd, and the Right of chusing Priests entrusted in the hands of the People.

To this Head is commonly referr'd the Law about the exemption from Military Service, or *de Vacatione*, in which there was a very remarkable Clause, *Nisi bellum Gallum exoriat: Unless in case of a Gallick Insurrection.* In which case, no Persons, not the Priests themselves, were excus'd; the *Romans* apprehending more danger from the *Gauls* than from any other Nation, because they had once taken their City. (k)

As also the Three Laws about the *Shows*.

(a) *Cic. de Orat. lib. 3.* (b) *Idem Or. pro Sest. & de Harusp. Respons.* (c) *A. Gellius.* (d) *Cic. de Amicitia.* (e) *Ibid.* (f) *Suet. in Ner. Patavul. lib. 2.* (g) *Cic. Agrar. 2.* (h) *Africanus in Divination.* (i) *Dio. lib. 37.* (j) *Dio. lib. 44.* (k) *Plut. in Marcell. Cic. pro Fonteio & Philip. 8.*

L 4

Licinia

Licinia Lex, the Author *P. Licinius Varus*, City *Prætor*, *A.* 545. settling the Day for the celebration of the *Ludi Apollinares*, which before was uncertain. (a)

Roscia Lex Theatralis, the Author *L. Roscius Otbo*, Tribune of the Commons, *A.* 685. ordaining, That none should sit in the First fourteen Seats of the Theatre, unless they were worth Four hundred *Sestertiums*, which was then reckon'd the *Census Equestris*. (b)

Augustus Cæsar, after several of the *Equestrian Families* had impair'd their Estates in the Civil Wars, interpreted this Law, so as to take in all those whose Ancestors ever had possess'd the Summ there specified.

(a) *Liv. lib. 27. Alex. Neopolitan. &c.* (b) *Cic. Philipp. 2. Ascon. in Cornelian. Juven. Sat. 3. & 14. Horat. Epod. 4. Epist. 1.*

C H A P. XXIII.

Laws relating to the Rights and Privileges of the Roman Citizens.

VALERIA *Lex de Provocatione*, the Author *P. Valerius Poplicola*, sole Consul upon the death of his Colleague *Brutus*, *A.* 243. giving liberty to appeal from any Magistrate to the People, and ordering that no Magistrate shou'd punish a Roman Citizen in case of such an Appeal. (a)

Valeria Horatia Lex, the Authors *L. Valerius* and *M. Horatius*, Consuls *A.* 304. reviving the former Law, which had been of no force under the *Decemvirate* (b).

Valeria Lex tertia, the Author *M. Valerius Corvinus*, in his Consulship with *Q. Apuleius Panfa*, *A.* 453. no more than a confirmation of the first *Valerian Law*. (c)

Porcia Lex, the Author *M. Porcius*, Tribune of the Commons in the same Year as the former; commanding, That no Magistrate shou'd execute, or punish with Rods, a Citizen of *Rome*; but upon the Sentence of Condemnation, shou'd give him permission to go into exile. (d)

(a) *Liv. lib. 9. Plut. in Poplicol. &c.* (b) *Liv. lib. 3.* (c) *Liv. lib. 10.* (d) *Liv. lib. 10. Cic. pro Rabirio. Sallust. in Catilinæ. Sueton. in Ner &c.*

Sem-

Sempronia Leges, the Author *C. Sempronius Gracchus*, Tribune of the Commons, *A.* 630. commanding, That no capital Judgment shou'd be made upon a Citizen, without the Authority of the People. and making several other Regulations in this Affair. (a)

Papia Lex de Peregrinis, the Author *C. Papius*, Tribune of the Commons, *A.* 688. commanding, That all Strangers should be expell'd *Rome*. (b)

Junia Lex, the Author *M. Junius Pennus*, a confirmation of the former Law, and a forbidding, That any Stranger shou'd be allow'd the Privilege of Citizens. (c)

Servilia Lex, the Author *C. Servilius Glaucia*, ordaining, That if any *Latin* accus'd a *Roman Senator*, so that he was convicted, the Accuser shou'd be honour'd with the Privilege of a Citizen of *Rome*. (d)

Licinia Mutia Lex, the Authors *L. Licinius Crassus*, and *Q. Mutius Scaevola*, in their Consulship, *A.* 658. ordering all the Inhabitants of *Italy* to be enroll'd in the List of Citizens in their own proper Cities. (e)

Livia Lex de Sociis: In the Year of the City 662. *M. Livius Drusus* propos'd a Law to make all the *Italians* free Denizens of *Rome*; but before it came to be voted, he was found murder'd in his House, the Author unknown. (f)

Varia Lex: upon the death of *Drusus*, the Knights prevail'd with his Colleague *Q. Varius Hybrida*, to bring in a Bill for the prosecuting of all such Persons as shou'd be discover'd to have assisted the *Italian People* in their Petition for the Privilege of the City (g).

Julia Lex de Civitate: The next Year, upon the Revolt of several States in *Italy* (which they call'd the *Social War*) *L. Julius Cæsar*, the Consul made a Law, That all those People, who had continu'd firm to the *Roman Interest*, shou'd have the Privilege of Citizens (h): And in the Year 664. upon the conclusion of that War, all the *Italian People* were admitted into the Roll of Free Denizens, and divided into Eight new Tribes. (i)

Sylvani & Carbonis Lex, the Authors *Sylvanus* and *Carbo*, Tribunes of the Commons, in the Year 664. ordaining, That any Persons, who had been admitted Free Denizens of any of the

(a) *Cic. pro Rabirio, pro Domo, sua, pro Cluentio, &c.* (b) *Cic. pro Balbo.* (c) *Cic. Offic. lib. 3.* (d) *Ascon. in Orat. pro Scauro. Cic. pro Balbo.* (e) *Cic. de Offic. lib. 3. & pro Balbo.* (f) *Flor. lib. 3. cap. 17. Cic. de Leg. lib. 3.* (g) *Cic. in Bruto, Val. Max. lib. 8. cap. 6.* (h) *Cic. pro Balbo.* (i) *Appian. lib. 1.*

Confe-

Confederate Cities, and had a Dwelling in Italy at the time of the making this Law, and had carried in their Names to the *Prætor* in Sixty Days time, shou'd have the Privilege of Citizens of Rome. (a)

Sulpitia Lex, the Author P. Sulpitius, Tribune of the Commons, A. 665. ordaining, That the New Citizens, who compos'd the Eight Tribes, shou'd be divided among the Thirty five Old Tribes, as a greater Honour. (b)

Cornelia Lex, the Author L. Cornelius Sulla, A. 670. a confirmation of the former Law, to please the Italian Confederates. (c)

Cornelia Lex de Municipiis, the Author the same Sulla, in his Dictatorship, taking away the Privileges formerly granted to the Corporate Towns, from as many as had assisted Marius, Cinna, Sulpicius, or any of the contrary Faction. (d)

Gellia Cornelia Lex, the Authors L. Gellius Poplicola, and Cn. Cornelius Lentulus, A. 681. ordaining, That all those Persons whom Pompey, by his own Authority, had honour'd with the Privilege of the City, shou'd actually keep that Liberty. (e)

(a) Cic. pro Archia. (b) Plut. in Sylla. Epit. Liv. 77. (c) Epit. Liv. 68. (d) Cic. pro Demo juâ. (e) Cic. pro Balbo.

C H A P. XXIV.

Laws concerning Meetings and Assemblies.

Æ L I A Lex, ordaining, That in all Assemblies of the People, the *Augurs* shou'd make Observations from the Heavens; and, That the Magistrate shou'd have the Power of declaring against the Proceedings; and of interposing in the decision of any Matter.

Fusia Lex, ordaining, That upon some certain Days, though they were *Fasti*, it shou'd be unlawful to transact any thing in a Meeting of the People.

The Authors of these Two Laws are unknown; but P. Manutius conjectures, that the first is owing to Q. Ælius Pætus, Consul with M. Junius Pennus, A. 586. The other to P. Furius, or Fufius, Consul with S. Attilius Serranus, A. 617. The Laws themselves occur frequently in Writers.

Clodia Lex, the Author P. Clodius, Tribune of the Commons, A. 695. containing an abrogation of the greatest part of the Two for-

former Laws, and ordering, That no Observations shou'd be made from the Heavens upon the Days of the *Comitia*; and, That on any of the *Dies Fasti*, Laws might be enacted in a Publick Assembly. (a)

Curia Lex, the Author M. Curius Dentatus, Tribune of the Commons, A. 454. ordaining, That no *Comitia* shou'd be conven'd for the Election of Magistrates, without the Approbation of the Senate: *Ut ante Comitia Magistratum Patres auctores fèrent.* (b)

Claudia Lex, the Author M. Claudius Marcellus, Consul with Serv. Sulpitius Rufus, A. 702. ordering, That at the *Comitia* for the Election of Magistrates, no account shou'd be taken of the absent. (c)

Gabinia Lex, the Author A. Gabinius, Tribune of the Commons, A. 614. commanding, That in the *Comitia* for the Election of Magistrates, the People shou'd not give their Suffrages *viva voce*, but by Tablets, for the greater freedom and impartiality of the Proceedings. (d)

Cassia Lex, enacted about two Years after, commanding, That in the Courts of Justice, and in the *Comitia Tributa*, the Votes shou'd be given in a free manner; that is, by Tablets. (e)

Papirius Lex, the Author C. Papirius Carbo, Tribune of the Commons, A. 621. ordaining, That in the *Comitia* about the passing or rejecting of Laws, the Suffrages shou'd be given by Tablets. (f)

Cælia Lex, the Author Cælius, Tribune of the Commons, A. 635. ordaining, That in the Judicial Proceedings before the People, in Cases of Treason (which has been excepted by the *Cassian Law*) the Votes shou'd be given by Tablets. (g)

Sempronia Lex, the Author C. Sempronius Gracchus, in the same Year as the former; ordering, That the *Centuries* shou'd be chose out by Lot to give their Votes, and not according to the order of the *Classes*. (h)

Maria Lex, the Author C. Marius, Tribune of the Commons, A. 634. ordering the Bridges, or long Planks, on which the People stood in the *Comitia* to give their Voices, to be made narrower, that no other Persons might stand there, to hinder the Proceedings by Appeals or other Disturbances. (i)

(a) Acon. in Pisonianam. (b) Cic. de claris Oratoribus. (c) Suet. in Julio. (d) Cic. de Amicit. & pro Plancio, & de Leg. lib. 3. (e) Cic. in Lelio. (f) Cic. de Leg. lib. 3. (g) Id. Ibid. (h) Sallust. in Orat. 2. ad Cæsarem. (i) Cic. de Leg. lib. 3. Plut. in Mario.

Sempronia Lex, the Author C. *Sempronius Gracchus*, Tribune of the Commons, A. 565. ordaining, That the *Latin Confederates* shou'd have the Privilege of giving their Suffrages, as well as the *Roman Citizens*. (a)

Manilia Lex, the Author C. *Manilius*, Tribune of the Commons, A. 687. ordering, That the *Libertini* shou'd have the Privilege of Voting in all the Tribes. (b)

Gabinia Lex, a confirmation of an old Law of the Twelve Tablets, making it a capital Offence for any Person to convene a clandestine Assembly. (c)

(a) *Cic. sepiſſime*. (b) *Cic. pro Leg. Maniliâ*. (c) *Salluſt. in Catilinâ*.

C H A P. XXV.

Laws relating to the Senate.

CASSIA Lex, the Author L. *Cassius Longinus*, Tribune of the Commons, A. 649. ordaining, That no Person, who had been condemn'd or depriv'd of his Office by the People, shou'd have the Privilege of coming into the Senate. (a)

Claudia Lex, the Author Q. *Claudius*, Tribune of the Commons, A. 535. commanding, That no Senator, or Father of a Senator, shou'd possess a sailing Vessel of above Three hundred *Amphoræ*; this was thought big enough for the bringing over Fruits, and other Necessaries; and as for Gain, procur'd by Trading in Merchandise, they thought it unworthy the Dignity of that Order. (b)

Sulpitia Lex, the Author *Servius Sulpitius*, Tribune of the Commons, A. 665. requiring, That no Senator shou'd owe above Two thousand *Drachmæ*. (c)

Sentia Lex, the Author (probably) C. *Sentius*, Consul with Q. *Lucretius*, A. 734. in the time of *Augustus*; ordering, That in the room of such Noble men as were wanting in the Senate, others shou'd be substituted. (d)

Gabinia Lex, the Author A. *Gabinus*, Tribune of the Commons, A. 685. ordaining, That the Senate shou'd be conven'd,

(a) *Aſcon. in Cornelian*. (b) *Cic. Verrin. 7*. (c) *Plut. in Sylla*. (d) *Tacit. An. 2* from

from the Kalends of *February*, to the Kalends of *March*, every day, for the giving Audience to foreign Ministers. (a)

Pupia Lex, ordaining, That the Senate shou'd not be conven'd from the Eighteenth of the Kalends of *February*, to the Kalends of the same Month; and that before the Embassies were either accepted or rejected, the Senate shou'd be held on no other account. (b)

Tullia Lex, the Author M. *Tullius Cicero*, Consul with M. *Antonius*, A. 690. ordaining, That such Persons to whom the Senate had allow'd the Favour of a *libera Legatio*, shou'd hold that Honour no longer than a Year. *Libera Legatio* was a Privilege that the Senators often obtain'd for the going into any Province, or Country, where they had some private Business, in the Quality of Lieutenants; though, with no Command, but only that the Dignity of their titular Office might have an influence on the Management of their private Concerns. (c)

(a) *Cic. Epist. ad Quin. Fratr. lib. 2. Ep. 12*. (b) *Cic. lib. 1. epist. 4. ad Lentul. lib. 2. ep. 2. ad Quin. Fratr. &c.* (c) *Cic. de Leg. lib. 3*.

C H A P. XXVI.

Laws relating to the Magistrates.

LEX Villia Annalis, or *Annaria*. the Author L. *Villius* (for whom we sometimes find L. *Julius*, or *Lucius Tullius*) Tribune of the Commons, A. 574. defining the proper Age requisite for bearing of all the Magistracies. (a) *Livy*, who relates the making of this Law, does not insist on the particular Ages; and Learned Men are much divided about that point. *Lipsius* states the difference after this manner: The Age proper to sue for the *Questorship*, he makes Twenty five Years; for the *Ædiles* and *Tribunes*, Twenty seven, or Twenty eight; Thirty for the *Prætor*, and Forty two for the *Consuls*.

Genutia Lex, the Author L. *Genutius*, Tribune of the Commons, A. 411. commanding, That no Person shou'd bear the same Magistracy within Ten Years distance, nor shou'd be invested with Two Offices in one Year. (b)

Cornelia Lex, the Author *Cornelius Sylla* the Dictator, A. 673. a repetition and confirmation of the former Law. (c)

(a) *Liv. lib. 40*. (b) *Idem, lib. 7*. (c) *Appian. lib. 1. de Bell. Civ.*

Sempronia Lex, the Author C. *Sempronius Gracchus*, Tribune of the Commons, A. 630. ordaining, That no Person, who had been lawfully depriv'd of his Magistracy, shou'd be capable of bearing an Office again. This was abrogated afterwards by the Author. (a)

Cornelia Lex, the Author L. *Cornelius Sylla*, Dictator; ordaining, That such Persons as had embrac'd his Party in the late Troubles, shou'd have the Privilege of bearing Honours before they were capable by Age; and that the Children of those, who had been *proscrib'd*, shou'd lose the Power of standing for any Office. (b)

Hirtia Lex, the Author A. *Hirtius*; ordaining, That none of Pompey's Party shou'd be admitted to any Dignity. (c)

Sextia Licinia Lex, the Author C. *Licinius*, and L. *Sextius*, Tribunes of the Commons, A. 386. ordaining, That one of the *Consuls* shou'd be chose out of the Body of the Commons. (d)

Genutia Lex, the Author L. *Genutius*, Tribune of the Commons A. 411. making it lawful that both *Consuls* might be taken out of the Commons. (*)

Cornelia Lex, the Author L. *Cornelius Sylla*, Dictator, A. 673. ordaining, That the *Prætors* shou'd always use the same method in judicial Processes. For the *Prætors* us'd, upon the entrance on their Office, to put up an Edict to shew what way they design'd to proceed in all Causes during their Year: These Edicts, which before commonly varied, were by this Law order'd to be always the same, for the preserving a constant and regular course of Justice (e)

Marcia Lex, the Author *Marcus Censorinus*, forbidding any Person to bear the *Censorship* twice. (f)

Clodia Lex the Author P. *Clodius*, Tribune of the Commons A. 695. ordering, That the *Censors* shou'd put no mark of Infamy on any Person in their general Surveys, unless the Person had been accus'd and condemn'd by both the *Censors*; whereas before, they us'd to punish Persons, by omitting their Names in the Surveys. and by other means, whether they were accus'd or no: And what one *Censor* did, unless the other actually interpos'd, was of equal force, as if both had join'd in the Action. (g)

Cæcilia Lex, the Author Q. *Cæcilius Metellus Pius Scipio*, Consul with Pompey the Great, A 701. restoring their ancient Dignity

(a) *Plut. in Gracchis*. (b) *Plin. lib. 7. Quintil. lib. 11. cap. 1. Cic. in Pison. (c) Cic. Philipp. 13. (d) Liv. lib. 6. (*) Idem lib. 7. (e) Cic. Philipp. 2. (f) Plut. in Coriolan. (g) Cic. in Pison. pro Milon. pro Sextio, &c.*

and

and Power to the *Censors* which had been retrench'd by the former Law. (a)

Antonia Lex, the Author M. *Antony*, a Member of the Triumvirate; ordaining, That for the future, no Proposal shou'd be ever made for the creation of a Dictator; and that no Person shou'd ever accept of that Office, upon pain of incurring a capital Penalty. (b)

Titia Lex, the Author P. *Titius* Tribune of the Commons, A. 710. ordaining, That a Triumvirate of Magistrates, invested with Consular Power, shou'd be settled for Five Years, for the regulating the Common-wealth; and that the Honour shou'd be conferred on *Octavius*, *Lepidus*, and *Antony*. (c)

Valeria Lex, the Author P. *Valerius Poplicola*, sole Consul, A. 243. ordaining, That the Publick Treasure shou'd be laid up in the Temple of *Saturn*, and that two *Quæstors* shou'd be created to supervise it. (d)

Junia Sacrata Lex. the Author L. *Junius Brutus*, the first Tribune of the Commons, A. 260. ordaining, That the Persons of the Tribunes shou'd be sacred: That an Appeal might be made to them for the Determinations of the *Consuls*: And, That none of the *Senators* shou'd be capable of that Office. (e)

Atinia Lex, the Author *Atinius*, Tribune of the Commons; ordaining, That any Tribune of the Commons shou'd have the Privilege of a Senator; and as such, take his Place in the House. (f)

Cornelia Lex, the Author L. *Cornel*, *Sylla*. Dictator, A. 673. taking away from the Tribune the Power of making Laws, and of interposing, of holding Assemblies and receiving Appeals, and making all that had born that Office, incapable of any other Dignity in the Common-wealth. (g)

Aurelia Lex, the Author C. *Aurelius Cotta*, Consul with L. *Octavius*, A. 678. an abrogation of some part of the former Law, allowing the Tribunes to hold their other Offices afterwards (h)

Pompeia Lex, the Author Pompey the Great, Consul with M. *Crassus*, A. 683. restoring their full Power and Authority to the Tribunes, which had been taken from them by the *Cornelian Law*. (i)

(a) *Dis. lib. 40. (b) Appian. de Bell. Civ. lib. 3. (c) Hor. Epit. Liv. lib. 120. (d) Liv. lib. 2. Plut. in Poplicol. (e) Dionys. lib. 6. (f) A. Gell. lib. 14. cap. ult. (g) Cic. de Leg. lib. 3. Cæsar. Comm. de Bell. Gall. 1. Flor. Plut. &c. (h) Paternus, lib. 2. Ascon. in Cornel. in ver. (i) Plut. in Pomp. Ascon. ver. 1. O' 2. Cæsar. de Bell. Civ. lib. 1.*

C H A P.

C H A P. XXVII.

Laws relating to Publick Constitutions, Laws, and Privileges.

HORTENSIA Lex, the Author Q. Hortensius, Dictator, A. 467. ordaining, That whatever was enacted by the Commons, shou'd be observ'd by the whole Roman People; whereas the Nobility had been formerly exempted from paying Obedience to the Decrees of the Populacy. (a)

Cæcilia Didia Lex, the Authors Q. Cæcilius Metellus, and T. Didius, Consuls, A. 655. for the regulating the Proceedings in enacting Laws; ordaining, That in one Bill (*una rogatione*) but one single Matter shou'd be propos'd to the People, lest, while they gave their Suffrage in one Word, they shou'd be forc'd to assent to a whole Bill, if they lik'd the greatest part of it, though they dislik'd the rest; or throw out a Bill for several Clauses which they did not approve of, though perhaps they'd have been willing to pass some part of it. Requiring also, That before any Law was prefer'd at the *Comitia*, it shou'd be expos'd to the publick View Three Market-days (*tribus nundinis*) before-hand. (b)

P. Manutius makes the Cæcilian and Didian two distinct Laws; the first part composing the former, and the other the latter.

Junia Licinia Lex, the Authors D. Junius Silanus, and L. Licinius Murena, Consuls, A. 991. ordaining, That such as did not observe the former Law, relating to the promulging new Proposals for Three Nundine, shou'd incur a greater Penalty than the said Law enjoind. (c)

Licinia Æbutia Lex, the Authors Licinius and Æbutius, Tribunes of the Commons; ordaining, That when any Law was prefer'd relating to any Charge or Power, not only the Person who brought in the Bill, but likewise his Collegues in any Office which he already enjoy'd, and all his Relations, shou'd be incapable of being invest'd with the said Charge or Power. (d)

(a) Flor. Epit. Liv. lib. 11. (b) A. Gell. lib. 15. cap. 27. Cic. Philip. 5. pro Domo. ad Attic. Epist. 9. lib. 2. (c) Cic. Philip. 5. Alt. ad Epist. 9. lib. 2. Epist. 15. lib. 4. (d) Cic. in Orat. 2. Contra Rull. & in Orat. pro Domo sua.

Cornelia Lex, the Author, C. Cornelius, Tribune of the Commons, A. 686. ordaining, That no Person shou'd, by the Votes of the Senate, be exempted from any Law (as us'd to be allow'd upon extraordinary Occasions) unless Two hundred Senators were present in the House; and that no Person thus excus'd by the Senate, shou'd hinder the Bill of his Exemption from being carried afterwards to the Commons for their Approbation. (a)

Ampia Labiena Lex, the Author T. Ampius and T. Labienus, Tribunes of the Commons, A. 693, conferring an Honourable Privilege on Pompey the Great, that at the Circensian Games, he shou'd wear a golden Crown, and be habited in all the Triumphal Robes; and that at the Stage-Plays he shou'd have the liberty of wearing the *Prætecta*, and a golden Crown. (b)

(a) Aſcon. in Cornel. (b) Vel. Patere. lib. 2.

C H A P. XXVIII.

Laws relating to the Provinces, and the Governours of them.

SEMPRONIA Lex, the Author C. Sempronius Gracchus, Tribune of the Commons, A. 630. ordaining, That before the annual *Comitia* for chusing Consuls, the Senate shou'd, at their Pleasure, determine the particular Consular Provinces, which the new Consuls, when design'd, shou'd divide by Lot. As also, That whereas heretofore the Tribunes had been allow'd the Privilege of interposing against a Decree of Senate, they shou'd be depriv'd of that Liberty for the future. (a)

Cornelia, Lex, the Author L. Cornelius Sylla, Dictator A. 673. ordaining, That whoever was sent with any Command into a Province, shou'd hold that Command, 'till he return'd to Rome; whereas heretofore, their Office was to continue no longer than a set time; upon the expiration of which, if no Successor was sent in their room, they were put to the trouble and inconvenience of getting a new Commission from the Senate.

(a) Cic. pro Domo sua, in Vatin. de Provinciis Consul. Sallust. in Bell. Jugurth.

'Twas a Clause in this Law, That every Governour of a Province, when another was sent to succeed him, should have thirty Days allow'd him in order to his removal. (a)

Julia Lex prima, the Author C. Julius Caesar, Consul with M. Calpurnius Bibulus, A. 691. compris'd in several Heads, as that *Achaia*, *Theffaly*, and all *Greece*, should be entirely free; and that the *Roman* Magistrate should sit as Judge in those Provinces: (b) That the Towns and Villages through which the *Roman* Magistrates pass'd towards the Provinces, should be oblig'd to supply them and their Retinue with Hay and other Conveniences on the Road: (c) That the Governours, when their Office was expir'd, should leave a Scheme of their Accompts in two Cities of their Provinces, and at their arrival at *Rome*, should deliver a Copy of the said Accompts in, at the publick Treasury: (d) That the Governours of Provinces should upon no account accept of a Golden Coronet, unless a Triumph had been decreed them by the Senate: (e) That no chief Commander should go beyond the Bounds of his Province, or enter on any other Dominions, or lead the Army out, or engage in any War, without the express Order of the Senate or People. (f)

Julia Lex Secunda, the Author the same Julius Caesar in his Dictatorship, ordaining, that no *Prætorian* Province should be held above a Year, and no *Consular* Province more than two Years. (g)

Clodia Lex, the Author P. Clodius, Tribune of the Commons, A. 695. ordaining, that all *Syria*, *Babylon*, and *Persia*, should be committed to *Gabinus* the Consul; and *Macedon*, *Achaia*, *Theffaly*, *Greece*, and *Boetia*, to his Colleague *Piso*, with the *Proconsular* Power; and that a Sum should be paid them out of the Treasury to defray the Charges of their March thither with an Army. (h)

Vatinia Lex, the Author P. Vatinus, Tribune of the Commons, A. 694. ordaining, That the Command of all *Gallia Cisalpina*, and *Illyricum* should be conferr'd on Caesar for five Years together, without a Decree of Senate, and without the Formality of casting Lots: That the particular Persons mention'd in the Bill, should go with him in the Quality of *Legati*, without the Deputation of the Senate: That the Army to be sent with him, should be paid out of the Treasury; and that he should transplant a Colony into the Town of *Novocomum* in *Gallia*. (i)

(a) Cicero, *Epist.* 9. ad *Lentul.* & lib. 7. ad *Attic.* *Epist.* 6. (b) Cicero pro *Domo*, in *Pisonem*, & de *Provinc. Consul.* (c) Cicero in *Pisonem.* (d) *Ibid.* (e) *Ibid.* (f) *Ibid.* & pro *Pesthum.* (g) Cicero, *Philipp.* 3. (h) Cicero pro *Domo*, & pro *Sextio.* (i) Cicero in *Vatinium* & pro *Balbo.* Sueton. in *Julio.* Sallust. in *Jugurth.*

Clodia Lex de Cypro, the Author P. Clodius, Tribune of the Commons, A. 695. ordaining that the Island *Cyprus* should be reduc'd into a *Roman* Province: That *Ptolemy* King of *Cyprus* should be publickly expos'd to Sale, habited in all his Regal Ornaments, and his Goods in like manner sold by Auction: That M. Cato should be sent with the *Prætorian* Power into *Cyprus* to take care of the selling the King's Effects, and conveying the Money to *Rome*. (a)

Trebonia Lex, the Author L. Trebonius, Tribune of the Commons, A. 698. decreeing the chief Command in *Gallia* to Caesar, five Years longer, than had been order'd by the *Vatinian* Law; and so depriving the Senate of the Power of recalling him, and substituting another General in his room. (b)

Titia Lex, barely mention'd by Cicero, (c) and not explain'd by Manutius or Rosinus. The Purport of it seems to have been, That the Provincial *Quæstors* should take their Places by Lot, in the same manner as the *Consuls* and *Prætors*; as may be gather'd from the Scope of the Passage in which we find it.

(a) Cicero pro *Domo*, pro *Sextio*, de *Provinc. Consul.* (b) Cicero lib. 3, 9, 10. *Epist.* ad *Attic.* Florus, *Epit. Liv.* lib. 105. (c) In *Orat.* pro *Murenâ.*

C H A P. XXIX.

Leges Agrariæ, or Laws relating to the Division of Lands among the People.

CASSIA Lex, the Author Sp. Cassius Viscellinus, Consul with *Proculus* *Virginus*, A. 267. ordaining, that the Land taken from the *Hernici*, should be divided half among the *Latines*, and half among the *Roman* Commons. (a) This Law did not hold.

Licinia Lex, the Author C. Licinius Stolo, Tribune of the Commons, A. 377. ordaining, that no Person should possess above five hundred Acres of Land; or keep more than an hundred Head of great, or five hundred Head of small Cattel. (b)

(a) *Liv.* lib. 2. *Valer. Max.* lib. 5. cap. 8. (b) *Liv.* lib. 6. *Appian*, *Agellius*, *Pliny*, *Patercul.* *Plutarch.* &c.

Flaminia Lex, the Author *C. Flaminius*, Tribune of the Commons, *A.* 525. ordaining, that *Picenum* a part of *Gallia*, whence the *Senones* had been expell'd, should be divided among the Roman Soldiers. (a)

Sempronia Lex Prima, the Author *T. Sempronius Gracchus*, Tribune of the Commons, *A.* 620. confirming the *Licinian Law*, and requiring all Persons, who held more Land than that Law allow'd, immediately to resign it into the Common, to be divided among the poorer Citizens, constituting three Officers to take care of the business. (b)

This Law being levell'd directly against the Interest of the richer Men of the City, who had by degrees contriv'd to engross almost all the Land to themselves, after great Heats and Tumults, at last cost the Author his Life.

Sempronia Lex altera, preferr'd by the same Person, upon the death of King *Attalus*, who left the Roman State his Heir: It ordain'd, that all the ready Money found in that King's Treasure should be bestow'd on the poorer Citizens, to supply them with Instruments and other Conveniences requir'd for Agriculture: And that the King's Lands should be farm'd at an annual Rent by the *Censors*; which Rent should be divided among the People. (c)

Thorina Lex, the Author *Sp. Thorius*, Tribune of the Commons ordaining, that no Person should pay any Rent to the People of the Lands which he possess'd; and regulating the business about feeding Cattel. (d) Two large Fragments of this Law, which was of a great length, are copied from two old brazen Tables by *Sigonius*. (e)

Cornelia Lex, the Author *L. Cornelius Sylla* Dictator and Consul with *Q. Metellus*, *A.* 673. ordaining, that the Lands of proscript'd Persons should be common. This is chiefly to be understood of the Lands in *Tuscany* about *Volaterræ* and *Fesulæ*, which *Sylla* divided among his Soldiers. (f)

Servilia Lex, the Author *P. Servilius Rullus*, Tribune of the Commons, *A.* 690. in the Consulship of *Cicero* and *Antony*, containing many Particulars, about selling several Houses, Fields, &c. that belong'd to the Publick, for the purchasing Land in other parts of *Italy*; about creating ten Men to be Supervisors of the Business, and abundance of other Heads; several of which

(a) *Cicero* in *Cat. Mij.* (b) *Cicero pro Sextio*, *Plutarch.* &c. (c) *Cicero Verr. 5.* *Plutarch.* &c. (d) *Cicero de Orat. lib. 2.* & in *Bruto*. (e) *De Antiq. Jure Ital. lib. 2.* (f) *Cicero in Rullam, pro Rejicio. Sallust. in Catilin.*

are repeated by *Cicero* in his three Orations extant against this Law, by which he hindred it from passing.

Flavia Lex, the Author *L. Flavius*, Tribune of the Commons, *A.* 693. about dividing a sufficient quantity of Land among *Pompey's* Soldiers and the Commons. (a)

Julia Lex, the Author *Julius Cæsar*, Consul with *Bibulus*, *A.* 691. ordaining, that all the Land in *Campania*, which us'd formerly to be farm'd at a set Rent of the State, should be divided among the Commons: As also, that all Members of *Senate* should swear to confirm this Law, and to defend it against all Opposers. *Cicero* calls this *Lex Campana*. (b)

Mamilia Lex, the Author *C. Mamilius*, Tribune of the Commons, in the time of the *Jugurthian War*; ordaining, that in the Bounds of the Lands, there should be left five or six Foot of Ground, which no Person should convert to his private use, and that Commissioners should be appointed to regulate this Affair (c). From this Law *de Limitibus*, the Author took the Surname of *Limentanus*, as he is call'd by *Sallust*. (d)

(a) *Cicero ad Attic. lib. 1.* (b) *Velleius Patere. lib. 2. Plu. in Pomp. Cæs. & Cat. Uricen.* (c) *Cicero, lib. 1. de Leg.* (d) *In Bell. Jugurth.*

CHAP. XXX.

Laws relating to Corn.

SEMPRONIA Lex, the Author *C. Sempronius Gracchus* (not *T. Sempronius Gracchus*, as *Resinus* has it) ordaining, that a certain quantity of Corn should be distributed every Month among the Commons, so much to every Man; for which they were only to pay the small consideration of a *Semissis* and a *Triens*. (a)

Terentia Cassia Lex, the Authors *M. Terentius Varro Lucullus*, and *C. Cassius*, Consuls, *A.* 680. ordaining, that the same set price should be given for all Corn bought up in the Province, to hinder the Exactions of the *Quæstors*. (b)

Clodia Lex, the Author *P. Clodius*, Tribune of the Commons, *A.* 695. ordaining, that those quantities of Corn, which were for-

(a) *Flor. Epit. Liv. lib. 60. Vall. Pat. lib. 2. &c.* (b) *Cicero in Verrin. 5.*

merly sold to the poor People at six *Asses* and a *Triens* the Bushel, should be distributed among them *gratis*. (a)

Hieronica Lex, the Author *Hiero* Tyrant of *Sicily*, regulating the Affair between the Farmers and the *Decumani* (or Gatherers of the Corn-Tax, which because it consisted of a tenth part they call'd *Decumæ*) ordaining the quantity of Corn, the Price, and the time of receiving it; which for the Justice of it the, *Romans* still continued in force, after they had possess'd themselves of that Island. (b)

(a) *Cicero pro Sentio, in Pison, &c.* (b) *Cicero in Verr. 4.*

C H A P. XXXI.

Laws for the regulating of Expences.

ORCHIA *Lex*, the Author *C. Orchius*, Tribune of the Commons, *A. 566.* defining the number of Guests, which were allow'd to be present at any Entertainment. (a)

Fannia Lex, the Author *C. Fannius* Consul, *A. 588.* ordaining, That upon the higher Festivals, no Person should expend more than an hundred *Asses* in a Day; on ten other Days in every Month thirty *Asses*, and at all other times ten. (b)

Didia Lex, enacted about eighteen Years after the former, ordaining, that the Laws for regulating Expences should reach all the *Italians* as well as the Inhabitants of *Rome*; and that not only the Masters of extravagant Treats, but the Guests too should incur a Penalty for their Offence. (c)

Lex Licinia, the Author *P. Licinius Crassus* the Rich, agreeing in most particulars with the *Fannian Law*; and farther prescribing, that on the *Kalends*, *Nones*, and *Nundinae*, thirty *Asses* should be the most that was spent at any Table; and that on ordinary Days, which were not particularly excepted, there should be spent only three pounds of dry Flesh, and one pound of Salt-Meat, but allowing as much as every Body pleas'd of any Fruits of the Ground. (d)

(a) *Macrobi. Saturn. lib. 2. cap. 14.* (b) *Ibid. & Agell. lib. 2. cap. 24.* (c) *Ibid. & Agell. lib. 2. cap. 24.*

Corne-

Cornelia Lex, the Author *L. Cornelius Sylla*, enacted, not so much for the rerrenching of extravagant Treats, as for the imposing a lower price on Provisions. (a)

Æmilia Lex, the Author *M. Æmilius Lepidus*, Consul about *A. 675*, respecting the particular sorts of Meats in use at that time, and stating the just quantities allowable of every kind. (b)

Antia Lex, the Author one *Antius Restio*, a farther Essay toward the suppression of Luxury, the particulars of which, we are not acquainted with. But *Macrobius* gives us this remarkable Story of the Author, that finding his Constitution to be of very little force, by reason of the great head that Prodigality and Extravagance had gain'd in the City, he never afterwards supp'd abroad as long as he liv'd, for fear he should be forc'd to be a Witness of the Contempt of his own Injunction, without being in a condition to punish it. (c)

Julia Lex, preferr'd in the time of *Augustus*, allowing two hundred *Sestertii* for Provisions on the *dies Profesti*, three hundred on the common Festivals in the Kalendar, and a thousand at Marriage-Feasts, and such extraordinary Entertainments. (d)

Agellius farther adds, that he finds in an old Author an Edict either of *Augustus* or *Tiberius*, he is uncertain which, raising the allowance according to the difference of the Festivals, from three hundred to two thousand *Sestertii*. (e)

Hither may be referr'd the *Lex Oppia*, the Author *C. Oppius*, Tribune of the Commons, *A. 540.* in the heat of the second *Punick War*, ordaining, that no Woman should have above half an Ounce of Gold, wear a party-colour'd Garment, or be carried in a Chariot in any City, Town, or to any place within a Mile's distance, unless upon the account of celebrating some sacred Solemnity. (f)

(a) *Agell. lib. 2. cap. 24.* (b) *Ibid.* (c) *Macrobi. & Agell.* (d) *Agell.* (e) *Ibid.* (f) *Liv. lib. 34. Tac. Ann. 3.*

C H A P. XXXII.

Laws relating to Martial Affairs.

SACRATA Lex Militaris, the Author (probably) *M. Valerius Corvus*, Dictator *A.* 411. ordaining, that no Soldier's Name, which had been entred in the Muster-Roll should be struck out, unless by the Party's consent: And that no Person, who had been Military Tribune, should execute the Office of *Dux* or *Orlinum*. (a)

Sempronia Lex, the Author *C. Sempronius Gracchus*, Tribune of the Commons, *A.* 630. ordaining, that the Soldiers should receive their Cloths gratis at the publick Charge, without any diminution of their ordinary Pay: And that none should be oblig'd to serve in the Army, who was not full seventeen Years old. (b)

Maria Porcia Lex, the Authors *L. Marius* and *Porcius Cato*, Tribunes of the Commons, *A.* 691 ordaining, that a Penalty should be inflicted on such Commanders as wrote falsely to the Senate, about the number of the slain on the Enemies side, and of their own Party: And that they should be oblig'd when they first entred the City to take a solemn Oath before the *Quæstors*, that the number which they return'd was true, according to the best Computation. (c)

Sulpicia Lex, the Author *P. Sulpicius*, Tribune of the Commons, *A.* 665. ordaining, that the chief Command in the *Mithridatick* War, which was then enjoy'd by *L. Sylla*, should be taken from him and conferr'd on *C. Marius*. (d)

Gabinia Lex, the Author *A. Gabinus*, Tribune of the Commons, *A.* 685. ordaining, that a Commission should be granted to *Cn. Pompey* for the management of the War against the Pirates for three Years, with this particular Clause, That upon all the Sea on this side *Hercules* his Pillars, and in the Maritime Provinces as far as 400 *Stadia* from the Sea, he should be empower'd to command Kings, Governours, and States to supply him with all Necessaries in the Expedition (e)

(a) *Liv. lib.* (b) *Plutarch. in C. Gracch.* (c) *Valer. Max. lib. 2. cap. 8.* (d) *Vell. Patere. lib. 2. Flor. Epit. 77.* *Plutarch. in Sylla & Mario, &c.* (e) *Asconius in Cornelian. Vell. Patere. lib. 2. Plutarch. in Pomp. Cicero de Lege Manilia. & post Reditum in Senat.*

Manilia Lex, the Author *C. Manilius*, Tribune of the Commons, *A.* 687. ordaining, that all the Forces of *Lucullus*, and the Provinces under his Government should be given to *Pompey*; together with *Bithynia*, which was under the command of *Glabrio*: And that he should forthwith make War upon *Mithridates*, retaining still the same Naval Forces, and the Sovereignty of the Seas, as before. (a)

(a) *Cicero de Lege Manilia. Plutarch. in Pomp. Flor. Epitom. 100.*

C H A P. XXXIII.

De Tutelis, or Laws concerning Wardships.

ATILIA Lex, the Author and time unknown, prescribing, that the *Pætor*, and the major part of the Tribunes, should appoint Guardians to all such Minors, to whom none had been otherwise assign'd. (a)

The Emperour *Claudius* seems to have abrogated this Law, when, as *Suetonius* informs us, he order'd, that the assignment of Guardians should be in the power of the *Consuls*. (b)

Letoria Lex, ordaining, that such Persons as were distracted, or prodigally squander'd away their Estates, should be committed to the care of some proper Persons for the security of themselves and their Possessions: And that whoever was convicted of defrauding any in those Circumstances, should be guilty of a high Misdemeanour. (c)

(a) *Liv. lib. 39.* (b) *Sueton. in Claud. cap. 23.* (c) *Cicero de Offic. lib. 3. de Nat. Deor. lib. 3.*

C H A P. XXXIV.

Laws concerning Wills, Heirs. and Legacies.

FURIA Lex, the Author C. Furius, Tribune of the Commons, ordaining, that no Person should give, by way of Legacy, above a thousand *Asses*, unless to the Relations of the Master who manumiz'd him, and to some other Parties there excepted. (a)

VOCONIA Lex, the Author Q. Voconius Saxa, Tribune of the Commons, A. 584, ordaining, that no Woman should be left Heiress to an Estate; and that no *Census* should, by his Will, give above a fourth part of what he was worth, to a Woman. This seems to have been enacted to prevent the decay and extinction of Noble Families. (b)

By the Word *Census* is meant any rich Person, who was rated high in the *Censor's* Books.

(a) Cicero pro Balbo. (b) Cicero in Verr. 3. de Senect. de Fratrib.

C H A P. XXXV.

Laws concerning Money, Usury, &c.

SEMPRONIA Lex, the Author M. Sempronius Tribune of the Commons, A. 560. ordaining, that in lending Money to the Allies of Rome and the *Latinos*, the Tenour of the Roman Laws should be still observ'd, as well as among the Citizens. (a)

VALERIA Lex, the Author Valerius Flaccus, Consul with L. Cornelius Cinna, ordaining, to oblige the poorer part of the City, that all Creditors should discharge their Debtors upon the receipt of a fourth part for the whole Summ. This Law, as most unreasonable, is censur'd by *Paterculus* (b).

(a) Liv. lib. 35. Cicero de Offic. 2. (b) Lib. 2. cap. 23.

Gabi-

GABINIA Lex, the Author Aul. Gabinius, Tribune of the Commons; A. 685. ordaining, that no Action should be granted for the recovery of any Money taken up, *versura facta*, i. e. first borrow'd upon a small Ute, and then lent out again upon a greater; which Practice was highly unreasonable. (a)

CLAUDIA Lex, the Author Claudius Caesar, commanding, that no Usurer should lend Money to any Person in his Nonage to be paid after the death of his Parents. (b)

VESPASIAN added a great strength to this Law, when he ordain'd That those Usurers, who lent Money to any *filius familie*, or Son under his Father's Tuition, should have no right ever to claim it again, not even after the death of his Parents. (c)

(a) Cicero ad Attic. lib. 5. Epist. ult. lib. 6. Epist. 2. (b) Tacit. Annal. 11. (c) Sueton in Vespas. cap. 11.

C H A P. XXXVI.

Laws concerning the Judges.

SEMPRONIA Lex, the Author C. Sempronius Gracchus, Tribune of the Commons, A. 630. ordaining, that the Right of Judging, which had been assign'd to the Senatorian Order by *Romulus*, should be transferr'd from them to the *Equites* (a)

SERVILIA Lex, the Author Q. Servilius Cæpio, Consul with C. Asilius Serranus, A. 647. abrogating in part the former Law, and commanding, that the Privilege there mention'd should be divided between both Orders of Knights and Senators. (b)

Plutarch and Florus make C. Sempronius Gracchus to have appointed 300 Senators, and 600 *Equites* for the management of judgments; but this seems rather to belong to the *Servilian* Law, if not totally a mistake. (c) This Law was soon after repeal'd.

LIVIA Lex, the Author M. Livius Drusus, Tribune of the Commons, A. 662. ordaining, that the judiciary Power should be seated in the Hands of an equal number of Senators and Knights. (d)

(a) Asconius in Divinat. Tacit. Ann. 12. Vell. Patere. 1. 2. (b) Cicero de Art. Rhet. lib. 2. de Oratore, in Bruto, in Orat. pro Scauro. (c) Cicero de Orat. 3. Flor. Epit. 71. (d) Asconius in Cornelian.

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But this, among other Constitutions of that Author, was abrogated the very same Year, under pretence of being made inauspiciously.

Plautia Lex, the Author *M. Plautius Silvanus*, Tribune of the Commons, *A. 664.* ordaining, that every Tribe should choose out of their own Body fifteen Persons to serve as Judges every Year; by this means making the Honour common to all three Orders, according as the Votes carried it in every Tribe. (a)

Cornelia Lex, the Author *L. Cornelius Sylla*, Dictator, *A. 673.* taking away the Right of Judging entirely from the Knights, and restoring it fully to the Senators. (b)

Aurelia Lex, the Author *L. Aurelius Cotta*, Praetor, *A. 653.* ordaining, that the Senatorian and Equestrian Orders, together with the *Tribuni Aerarii*, should share the judicial Power between them. (c)

Pompeia Lex. the Author *Pompey the Great*, Consul with *Crassus*, *A. 698.* ordaining, that the Judges should be chosen otherwise than formerly, out of the richest in every Century; yet, notwithstanding, should be confin'd to the Persons mention'd in the *Aurelian Law*. (d)

Julia Lex, the Author *Julius Caesar*, confirming the foresaid Privilege to the Senators and Knights, but excluding the *Tribuni Aerarii*. (e)

Rosinus sets this Law before that of *Pompey*; but 'tis very plain, 'twas not made 'till afterwards.

Antonia Lex, the Author *M. Antony*, Consul with *Julius Caesar*, *A. 709.* ordaining, that a third Decury of Judges should be added to the two former, to be chose out of the Centurions. (f)

(a) *Cicero pro Cornel. & ad Att. 4.* (b) *Flor. Epitom. 89. Ascon. in Divinat.*
(c) *Cicero in Verrinis. Vell. lib. 2.* (d) *Cicero in Pisonem.* (e) *Suet. in Julio, cap. 41.* (f) *Cicero in Philip. 1. & 5.*

C H A P.

C H A P. XXXVII.

Laws relating to Judgments.

POMPEIA Lex, the Author *Pompey the Great*, sole Consul, *A. 701.* forbidding the use of the *Laudatores* in Tryals (a).

Memmia Lex, ordaining, that no Person's Name should be receiv'd into the Roll of Criminals, who was absent upon the Publick Account (b).

Remmia Lex, ordaining, that Persons convicted of Calumny should be stigmatiz'd (c).

Both these Laws sometimes go under the Name of *Memmie*, and sometimes of *Remmie*; the distinction here observ'd is owing to *P. Manutius*.

Cincia Lex, the Author *M. Cincius*, Tribune of the Commons, *A. 549.* forbidding any Person to accept of a Gift upon account of judging a Cause. This is commonly call'd *Lex Muneralis*. (d)

(a) *Plutarch. in Pomp. & in Catone Uticens.* *Valer. Max. lib. 6. cap. 2.* (b) *Cicero in Vatin. Val. Max. lib. 3. cap. 7.* (c) *Cicero pro Sext. Roscio.* (d) *Liv. lib. 34. Tacit. Ann. 14. Cicero ad Attic. lib. 1. de Oratore 2. de Senect.*

C H A P. XXXVIII.

Laws relating to Crimes.

THE Crimes or Actions that tended to the prejudice of the State, have been already reckon'd up, and briefly explain'd. The Laws on this Subject are very numerous, and, by reason of their great usefulness, have been preserv'd at large in the Labours of the Civilians, with the particular Heads of which they consisted. It will be sufficient to the present design, to mention

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tion such as are hinted at in the ordinary Classicks, and to speak of those only in general.

De Majestate.

Gabinia Lex, already describ'd among the Laws relating to Assemblies.

Appuleia Lex, the Author *L. Appuleius Tribune* of the Commons, *A. 652.* It seems to have been enacted for the restraint of publick Force and Sedition in the City. (a) *Sigonius* thinks, that 'twas this Law, which made the Question *de Majestate* perpetual.

Varia Lex, the Author *L. Varius, Tribune* of the Commons, *A. 662.* ordaining, that all such Persons should be brought to a publick Tryal, who had any way encourag'd or assisted the Confederates in their late War against *Rome.* (b)

Cornelia Lex, the Author *L. Cornelius Sylla, Dictator A. 670.* making it Treason to lead an Army out of a Province, or to engage in a War without special Orders; to endeavour the ingratiating one's self so with the Army as to make them ready to serve his particular Interest; or to spare, or ransom a Commander of the Enemy when taken Prisoner; or to pardon the Captains of Robbers and Pirates; or for a Roman Citizen to reside without Orders at a Foreign Court; and assigning the Punishment of *aque & ignis interdictio* to all that should be convicted of any of these Crimes. (c)

Julia Lex, the Author *Julius Caesar*, either in his first Consulship, or after the *Pharsalian* Victory, ordaining the Punishment mention'd in *Sylla's* Law, to be inflicted on all, that were found guilty *de Majestate*; whereas *Sylla* intended it only for the Particulars which he there specifies. (d)

Antonia Lex, the Author *Mark Antony*, allowing those who were condemn'd *de Majestate*, an Appeal to the People; which before was only allow'd in the Crime which they call'd *Perduellio*; one part of the *Crimen Majestatis*, of the most heinous nature; which the Lawyers define, *Hostili animo adversus rempublicam esse.* This Law was repeal'd by *Augustus.* (e)

(a) Cicero de Orat. lib. 2. (b) Cicero pro Scauro, pro Coml. Tuseulan. 2. in Bruto. Valer. Max. lib. 8. cap. 6. (c) Cicero in Pison. pro Cluent. &c. (d) Cicero Philipp. 1. (e) P. Manut. lib. de legibus.

De Adulterio, & Pudicitia.

Julia Lex, the Author *Augustus Caesar*, as *Suetonius* informs us (a). *Juvenal* mentions this Law in his Second Satyr, and seems to intimate, that it was afterwards confirm'd, and put in full force by the Emperour *Domitian*; the rigour of it is there very handsomely express'd.

— *Leges revocabat amaras (b)*

Omnibus, atque ipsi Veneri Martique timendas.

Scatinia Lex, the Author *C. Scatinus Aricinus, Tribune* of the Commons; tho' some think it was called *Lex Scantinia* from one *Scantinius, Tribune* of the Commons; against whom it was put in execution. It was particularly levell'd against the Keepers of *Catamites*, and against such as prostituted themselves for *Mignons* (c). The Penalty enjoin'd by the Author, was only pecuniary; but *Augustus Caesar* made it afterwards Capital. (d)

Cornelia Lex inter-ficarios, & veneficii.

The Author *Cornelius Sylla, Dictator.* It was directed against such as kill'd another Person with Weapons or Poison, or fir'd Houses, or took away any Person's Life by false Accusation; with several other Heads.

It was a Clause in this Law, That the Person who stood accus'd of the Crimes therein mention'd, might have his liberty of letting the Jury give their Verdict *clam vel palam*, by Voices, or by Tablets (e).

De Parricidis.

The old Law which prescrib'd the odd sort of Punishment proper to this Crime, was restor'd, and confirm'd by *Pompey* the Great, with the Title of *Lex Pompeia* (f).

Cornelia Lex falsi.

Sylla the Dictator, as he appointed a proper Prator to make Inquisition into what they call'd *Crimen falsi*, so he enacted this

(a) in Aug. cap. 34. (b) Juv. Sat. 2. v. 30. (c) Quintilian. lib. 4. c. 2. lib. 7. c. 4. Cicero Philipp. 3 Juv. &c. (d) Just. Instit. l. 4. (e) Cic. pro Cluent. (f) Just. Instit. l. 4. & alii.

Law as the Rule and Standard in such Judgments (a). It takes in all Forgers, Concealers, Interliners, &c. of Wills; Counterfeits of Writs and Edicts; false Accusers, and Corrupters of the Jury; together with those that any ways debas'd the publick Coin, by shaving or filing the Gold, or adulterating the Silver, or publishing any new pieces of Tin, Lead, &c. and making those incur the same Penalty (which was *aque & ignis interdictio*) who voluntarily conniv'd at the Offenders in these Particulars.

Leges de vi.

Plautia, or *Ploria Lex*, the Author *P. Plautius*, Tribune of the Commons, A. 675. against those that attempted any force against the State or Senate; or us'd any violence to the Magistrates, or appear'd arm'd in publick upon any ill design, or forcibly expell'd any Person from his lawful Possession. The punishment assign'd to the convicted was *aque & ignis interdictio* (b).

Clodia Lex, the Author *P. Clodius*, Tribune of the Commons, A. 695. ordaining, that all those should be brought to their Tryal, who had executed any Citizen of Rome, without the Judgment of the People, and the Formality of a Tryal (c).

The Author being a mortal Enemy of *Cicero*'s, levell'd this Law particularly against him; who in the time of the *Catilinarian* Conspiracy, for the greater secrecy and security, having taken several of the chiefest Parties concern'd, immediately sent them to execution. *Clodius* having highly ingratiated himself with the People, by several popular Laws, easily got this Act to pass; and so oblig'd *Cicero* to go into Exile.

Pompeia Lex, The Author *Pompey* the Great, in his Third Consulship A. 701. It was directed especially against the Authors of the late Riot, upon the account of *Clodius* and *Milo*; in which, one of the *Curie* had been set on fire, and the Palace of *Lepidus* the *Interrex*, assauled by force. This Law introduc'd a much shorter form of Judgment than had been formerly us'd, ordaining, that the first Three Days in every Tryal, should be spent in hearing and examining Witnesses, and then allowing only one Day for the Two Parties to make their formal Accusation and Defence; the first being confin'd to Two Hours, and the other

(a) *Cic. de Nat. deor. l. 3. Sueton. in Aug. c. 33. (b) Sueton. in Julio. c. 5. Vio. l. 39. Cicero pro Sextio, pro Milone. (c) Vell. Patenc. l. 2. Cic. ad Attic. l. 7. Flo. l. 38.*

to Three. Hence the Author of the Dialogue concerning famous Orators, attributed to *Quintilian*, or *Tacitus*, observes, That *Pompey* was the first that depriv'd Eloquence of its old Liberty and confin'd it to bounds and limits (a).

Leges de Ambitu.

Fabia Lex, prescribing the number of *Seclatores*, allow'd to any Candidate (b). This did not pass.

Acilia Calpurnia Lex. the Authors *M. Acilius Glabrio*, and *C. Calpurnius Piso*, Consuls, A. 686. ordaining, That besides the Fine impos'd, no Person convicted of this Crime should bear an Office, or come into the Senate (c).

Tullia Lex, the Author *M. Tullius Cicero*, Consul with *C. Antonius*, A. 690. ordaining, That no Person, for Two Years before he sh'd for an Office, should exhibit a Show of Gladiators to the People, unless the care of such a Solemnity had been left to him by Will: That *Senators* convicted of the *crimen ambitus*, should suffer *aque & ignis interdictio* for Ten Years; and that the Commons should incur a severer Penalty than had been enjoin'd by the *Calpurnian Law* (d).

Aufidia Lex, the Author *Aufidius*, Tribune of the Commons, A. 692. more severe than that of *Tully*; having this remarkable Clause, That if any Candidate promis'd Money to the *Tribunes*, and did not pay it, he should be excus'd; but in case he actually gave it, should be oblig'd to pay to every Tribe a yearly Fine of 3000 *Sestertii* (e).

Lex Licinia de Sodalitiis, the Author *M. Licinius Crassus*, Consul with *Cn. Pompey*, A. 698. appointing a greater Penalty than formerly to Offenders of this kind (f). By *Sodalitia*, they understood an unlawful making of Parties at Elections; which was intercepted as a sort of Violence offer'd to the Freedom of the People. 'Tis strange, that this fence of the Word should have escap'd *Cooper* and *Littleton*.

Alconius seems to imply, that the *Sodalitia* and *Ambitus* were two different Crimes, when he tells us, That *Milo* was arraign'd on those Two accounts, at Two several times, and not before the same *Quaestor* (g).

(a) vide *Alcon. in Milon. Cic. de finib. 4. Cels. de Bell. Civ. l. 3. &c. (b) Cic. pro Muræna. (c) Cic. pro Muræna, pro Corneli, &c. (d) Cic. in vatin. pro Sextio. pro Muræna. Dio l. 37. (e) Cic. ad Attic. l. 1. ep. 11. (f) Cic. pro Planc. (g) in Argument. Nilonian.*

Pompeia Lex, the Author *Pompey* the Great, sole Consul, A. 701. by this it was enacted, That whoever, having been convicted of a Crime of this nature, should afterwards impeach Two others of the same Crime, so that one of them was condemn'd, should himself, upon that score, be pardon'd. The short Form of Judgment mention'd in *Pompeia Lex de vi*, was order'd too by this Law (a).

Julius Cæsar quite ruin'd the Freedom and fair Proceedings in Elections, when he divided the right of chusing Magistrates between himself and the People, or rather dispos'd of all Offices at his Pleasure (b). Hence *Lucan*.

— Nam quo melius Pharfalicus annus (c)
 Consule notus erit? fingit solennia campus,
 Et non admittit dirimit suffragia Plebis;
 Decantatque Tribus, & sanâ versat in Urnâ.
 Nec calum servare licet; tonat Augure furdo;
 Et læta jurantur aves bubone sinistro.

From what brave Consul cou'd the Year receive
 A surer Mark than Death and Wars shall leave?
 Assemblies are a Jest; and when they meet,
 The gaping Crowd is bubbled with a Cheat.
 The Lots are shook, and sorted Tribes advance;
 But *Cæsar*, not blind *Fortune*, rules the Chance.
 Nor impious *Rome* Heaven's sacred Signs obeys,
 While *Jove* still Thunders as the *Augurs* please:
 And when Left-Owls some dire Disaster bode,
 The staring Miscreants, at their Masters Nod,
 Look to the Right, and swear the Omen's good.

But *Augustus* restor'd the old Privileges to the *Comitia*, and restrain'd unlawful courses us'd in the canvassing at Elections, by several Penalties; (d) publishing for this purpose the *Lex Julia de Ambitu*, mention'd in the *Pandects*.

Leges de Pecuniis repetundis.

Calpurnia Lex, the Author *L. Calpurnius Piso Frugi*, A. 604 ordaining a certain *Prætor* for the inquisition of this Crime, and laying a great Penalty on Offenders. (e)

(a) In *Argument. Milonian*. (b) *Sueton. in Julio*, cap. 41. (c) *Lib. 5. v. 391*. (d) *Sueton. in Augusti*, cap. 40. (e) *Cicero in Bruto*, de *Offic. lib. 2. orat. 3. in Verrem Cæcilia*.

Cæcilia Lex, mention'd by *Valerius Maximus*. (a) *Sigonius* believes this Law to be the very same with the former, and that either the two *Tribunes*, *Cæcilius* and *Calpurnius*, join'd in the making of it; and so it came to be call'd either *Calpurnia*, or *Cæcilia*, at pleasure; or that in this place we ought to read *Calpurnia*, instead of *Cæcilia*.

Junia Lex, the Author, probably, *M. Junius Pennus*, *Tribune* of the Commons, A. 627. ordaining, That besides the *litis æstimatio*, or rating of the damages, the Person convicted of this Crime, shou'd suffer Banishment (b).

Servilia Lex, the Author *C. Servilius Glaucia*, *Prætor*, A. 653. several Fragments of which are collected from Authors, and transcrib'd from brazen Tablets by *Sigonius* (c).

Acilia Lex, the Author *M. Acilius Glabrio*; in which was this remarkable clause: That the convicted Person shou'd be allow'd neither *ampliatio*, nor *comperindinatio*; neither a new Hearing at a set time prefix'd by the *Prætor*, nor an Adjournment of the Trial, 'till the third Day after the first appearing of the Parties in the Court (d).

Cornelia Lex, the Author *L. Cornelius Sylla*, Dictator; ordaining, That besides the *litis æstimatio*, the Person convicted of this Crime, shou'd be interdicted the Use of Fire and Water (e).

Julia Lex, the Author *C. Julius Cæsar*; this kept its Authority through the whole Series of the Emperours, and is still celebrated in the *Pandects*: A great part of it was levell'd against the Misdemeanours of Provincial Governours; many of which, according to this Law, are alledg'd against *Piso*, who had been *Proconsul* in *Macedonia*, by *Cicero*, in his 37th. Oration.

(a) *L. 6. c. 9. Sect. 10*. (b) *Cic. in Verrem*, & *pro Balbo*. *Veil. Patet lib. 2*. (c) *Cic. pro Posthum. pro Balbo in Verrem. Sigon. de judiciis, lib. 2. c. 27*. (d) *Cic. in Verrem. Ascen. in eisdem*. (e) *Cic. pro Cluentio; in Verrem. Ascen. Pædian. in Verrinas*.

C H A P. XXXIX.

Miscellany Laws not spoken of under the general Heads.

C L O D I A *Lex de Collegiis*; the Author *P. Clodius*, Tribune of the Commons, *A. 695.* ordaining, That the *Collegia*, or Companies of Artificers instituted by *Numa*, which had in a great measure been laid down, shou'd be all reviv'd, and observ'd as formerly, with the addition of several new Companies (*a*).

Cæcilia Lex de jure Italiæ, & tributis tollendis; the Author *Q. Cæcilius Metellus Nepos*, Prætor, *A. 693.* ordaining, That the Tax call'd *Prætoria*, shou'd be taken off from all the Italian States (*b*).

Portoria, according to *Sigonius's* explication, were a sort of Toll paid always at the carrying of any exportable Goods to the Haven; whence the Collectors of it were call'd *Portitores*.

Lex Julia de maritandis ordinibus.

The Romans consulting the Grandeur of their Republick, had always a particular Honour for a married State; and nothing was more usual than for the *Censors* to impose a Fine upon old Batchelours. *Dionysius Halicarnassæus* (*c*) mentions an old Constitution, by which all Persons of full Age were oblig'd to marry: But the first Law of which we have any certainty, was this of *Augustus Cæsar*, prefer'd *A. 736.* It did not pass before it had receiv'd several Amendments, being at first rejected for its extreme severity. This is the Subject of *Propertius's* Seventh Elegy of the Third Book:

Grævis est certè sublatam Cynthia legem, &c.

My Cynthia laugh'd to see the Bill thrown out, &c.

Horace calls it *Lex Marita* (*d*).

A. 762, this Law being improv'd and enlarg'd, was prefer'd in a new Bill by *Papius* and *Popæus*, the Consuls at that time;

(*a*) *Cic. pro Sentio*; in *Pison. pro Domo. Alcon. in Cornel.* (*b*) *Dio lib. 37. Cic. in Epist. ad Brutum.* (*c*) *Lib. 5.* (*d*) *In Camilli Seculari,*

whence

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whence it is sometimes call'd *Papia Popæa Lex*, and generally *Julia Papia*.

A great part of the general Heads are collected by *Lipsius*, in his *Excursions* on *Tacitus* (*a*); among which, the most remarkable are those which contain the Sanctions of Rewards and Punishments.

As to the first of these, it was hereby ordain'd, That all the Magistrates shou'd take Precedence according to their number of Children; or a married Man before a Batchelour: That in Elections, those Candidates shou'd be prefer'd who had the most numerous Offspring: And that any Person might stand sooner than ordinary for an Office, if he had as many Children as he wanted Years, to be capable of bearing such a Dignity (*b*): That whoever in the City had Three Children, in the other Parts of Italy Four, and in the Provinces Five (or as some say, Seven) shou'd be excus'd from all troublesome Offices in the place where he liv'd. Hence came the famous *jus trium liberorum*, so frequently met with in *Pliny*, *Martial*, &c. by which the Emperour often oblig'd such Persons with this Privilege, to whom Nature had denied it.

Of the Penalties incurr'd by such as in spite of this Law liv'd a single Life, the chief was, That unmarried Persons shou'd be incapable of receiving any Legacy or Inheritance by Will, unless from their near Relations; and such as were married, and yet had no Children, above half an Estate. Hence *Plurarch* has a severe Reflection on the coverous Humour of the Age: That several of the Romans did not marry for the sake of raising Heirs to their own Fortunes; but that they themselves might, upon this account, be capable of inheriting the Estates of other Men (*c*).

And *Juvenal* alludes to the same custom:

Fam Pater es; dederam quod famæ opponere possis (*d*);
Jura Parentis habes: propter me scriberis Heres;
Legatum omne capis, nec non & dulce caducum.

Now by my Toil, thou gain'st a Father's Fame;
No more shall pointing Crowds attest thy Shame,
Nor houting Boys thy Impotence proclaim.
Thine is the Privilege our Laws afford
To him that stands a Father on record:

(*a*) *Excurs. ad Tacit. Ann. l. 3. Liter. C. Vid. Suet. in Octavio. c. 34.* (*b*) *Plin. Epist. l. 7.* (*c*) *Plur. περὶ φιλοσοφίας.* (*d*) *Sat. 9. v. 86.*

In Misers Will you stand unquestion'd now,
And reap the Harvest which you could not sow.

Claudia Lex de scribarum negotiatione

This Law is barely mention'd by *Suetonius* (a); and seems a part of the *Lex Claudia*, or *Clodia*, about the Trading of the Senators, already explain'd. It appears therefore, that not only the Senators, but the Scribes too, or at least those Scribes who assist'd the *Questors*, were forbid to make use of a Vessel of above Three hundred *Amphoræ*: We may reasonably suppose, that this Prohibition was not laid upon them in respect of their Order and Degree, which were not by any means eminent; but rather upon account of their particular Place or Office; because it look'd very improper, That Persons who were concern'd in the Publick Accounts, shou'd, at the same time, by dealing in Traffick and Merchandise, endeavour rather the filling their own Coffers, than improving the Revenues of the State (b).

Mamilia Lex; this Law, as well as the former, depends upon a single Authority, being just nam'd by *Sallust* (c), and not explain'd by *Manutius*, or *Resinus*. It seems to have been to this purpose, That since Affairs had been very often ill manag'd by the Nobility; those Persons, whose Ancestors had bore no Magistracy in the State, such as they call'd *Homines novi*, shou'd, for the future, be allow'd the Privilege of holding Publick Offices (d).

Atinia Lex de furtis, ordaining, That no Prescription shou'd secure the possession of stolen Goods; but that the proper Owner shou'd have an eternal Right to them (e).

(a) In *Domit. c. 9.* (b) *V. Torrent. in Not. ad locum.* (c) In *Bell. Jugurthin.* (d) *V. Rictium, in not. ad locum.* (e) *Cic. Verr. 3. Agell. l. 17. c. 7.*

PART

PART II.

BOOK IV.

The Roman Art of WAR.

CHAP. I.

The Levies of the Roman Foot.

AT the same time of the Year as the *Consuls* were declar'd *Elect* or *Design'd*, they chose the *Military Tribunes*, Fourteen out of the Body of the *Equites*, who had serv'd in the Army five Years; and Ten out of the Commonality, such as had made Ten *Campaignes*. The former they call'd *Tribuni Juniores*; the latter *Seniores*.

The *Consuls* having agreed on a Levy (as in the time of the Common-wealth they usually did every Year) they issu'd out an Edict, commanding all Persons who had reach'd the Military Age (about Seventeen Years) to appear (commonly) in the *Capitol*, or in the *Area* before the *Capitol*, as the most sacred and august Place, on such a Day. The People being come

together, and the *Consuls*, who presid'd in the Assembly, having taken their Seat, in the first place the Four and twenty *Tribunes* were dispos'd of, according to the number of Legions they design'd to make up, which was generally Four. The *Junior Tribunes* were assign'd; Four to the first Legion; Three to the second; Four to the third; and Three to the last. The *Senior Tribunes*, Two to the first Legion and the third; Three to the second and the last. After this, every Tribe being call'd out by Lot, was order'd to divide into their proper Centuries; out of each Century were Soldiers cited by Name, with respect had to their Estate and Class; for which purpose, there were Tables ready, at hand in which the Name, Age, and Wealth of every Person was exactly describ'd. Four Men, as much alike in all circumstances as could be pitch'd upon, being presented out of the Century, first the *Tribunes* of the first Legion chose one; then the *Tribunes* of the second another; the *Tribunes* of the third Legion a Third Man; and the remaining Person fell to the *Tribunes* of the fourth. Then Four more were drawn out; and now the Right of Chusing first belong'd to the *Tribunes* of the second Legion; in the next, Four to the *Tribunes* of the third Legion; then to the *Tribunes* of the fourth Legion; and so round, those *Tribunes* chusing last the next time, who chose first the time before; the most equal and regular method imaginable.

Cicero has remark'd a superstitious Custom observ'd in these Proceedings: That the first Soldiers pitch'd upon, shou'd, for the Omen's sake, be such as had fortunate Names; as, *Salvius*, *Valerius*, and the like (a).

There were many legal Excuses which might keep Persons from the List; as, in case they were Fifty Years old; for then they cou'd not be oblig'd to serve: Or if they enjoy'd any civil or sacred Office, which they cou'd not conveniently relinquish; or if they had already made Twenty Campaigns, which was the time requir'd for every Foot-soldier; or if upon account of extraordinary Merit, they had been by Publick Authority releas'd from the trouble of serving for such a time; or if they were main'd in any Part, and so ought not to be admitted into the Legions; as *Suetonius* tells us of a Father, who cut off the Thumbs of his two Sons, on purpose to keep them out of the Army (b): And *Valerius Maximus* gives us a relation of the like nature (c).

Otherwise they were necessitated to submit; and in case of a

(a) *Cic. de Divinat.* l. 1. (b) *Sueton. August.* c. 24. (c) *Val. Max.* l. 6. c. 3
re-

refusal, were usually punish'd either with Imprisonment, Fine, or Stripes, according to the Lenity or Severity of the Consul. And therefore it seems strange, that *Machiavel* shou'd particularly commend the Roman Discipline, upon account of forcing no one to the Wars, when we have, in all parts of History, such large Intimations of a contrary practice. Nay, we read too of the *Conquistores*, or Impress-Masters, who were commission'd upon some occasions to go about, and compel Men to the Service of the State.

Valerius Maximus (a) gives us one Example of changing this Custom of taking out every particular Soldier by the *Tribunes*, for that of chusing them by Lot: And *Appianus Alexandrinus* (b) acquaints us, That in the *Spanish* War manag'd by *Lucullus*, upon complaint to the Senate of several unjust Practices in the Levies, the Fathers thought fit to chuse all the Soldiers by Lot. Yet the same Author assures us, That within five Years time, the old Custom return'd of making the Levies in the manner already describ'd.

However, upon any extraordinary occasion of immediate Service; they omitted the common Formalities, and without much distinction, list'd such as they met with, and led them out on an Expedition. These they term'd *Milites subitarii*.

(a) *Lib. 6. cap. 3.* (b) *In Iberic.*

CHAP. II.

Levy and Review of the Cavalry.

ROMULUS, having establish'd the Senate, chose Three hundred of the stoutest Young Men out of the most Noble Families to serve on Horse-back: But after the institution of the *Census* by *Servius Tullius*, all those Persons had the Honour of being admitted into the Order of the *Equites*, who were worth Four hundred *Sestertia*; yet no Man was thus enroll'd by the Kings or *Consuls*, or afterwards by the *Censors*, unless besides the Estate requir'd, no exception cou'd be taken against his Person or Morals. If these were unquestionable, his Name was entred among

among the Knights, and a Horse and Ring given him at the Publick Charge; he being oblig'd to appear for the future on Horse-back, as often as the State shou'd have occasion for his Service.

So that there being always a sufficient number of *Equites* in the City, there needed only a Review in order to fit them for Service. Learned Men have very little agreement in this point; yet we may venture to take notice of three several sorts of Reviews, *Probatio*, *Transvectio*, and what they term'd properly *Recensio*; though they are usually confounded, and seldom understood.

The *Probatio* we may conceive to have been a diligent Search into the Lives and Manners of the *Equites*, and a strict Observation of their Plight of Body, Arms, Horse, &c. This is suppos'd to have been commonly made once a Year.

Transvectio *Lipsius* makes the same as *Probatio*, but he is certainly mistaken; since all the Hints we meet with concerning it in Authors, argue it to have been rather a pompous Ceremony and Procession, than an Examination. *Dionysius* describes it in the following manner: *The Sacrifice being finish'd, all those who are allow'd Horses at the expence of the State, ride along in Order, as if returning from a Battel, being habited in the Togæ Palmatæ, or the Trabeæ, and crown'd with Wreaths of Olive. The Procession begins at the Temple of Mars, without the Walls, and is carried on through all the eminent parts of the City, particularly through the Forum, and the Temple of Castor and Pollux. The number sometimes reacheth to Five thousand; every Man bearing the Gifts and Ornaments receiv'd, as a Reward of his Valour, from the General. A most glorious Sight, and worthy of the Roman Grandeur (a).*

This Solemnity was instituted to the Honour of *Castor* and *Pollux*, who, in the Battel with the *Latins*, about the Year of the City 257. appear'd in the Field personally assisting the *Romans*; and presently after the Fight, were seen at *Rome* (just by the Fountain where their Temple was afterwards built) upon Horses all foaming with white frothy Sweat, as if they had rode Post to bring Tidings of the Victory (b).

The proper *Recensio* was the Account taken by the *Censors* every *Lustrum*. when all the People, as well as the *Equites*, were to appear at the General Survey: So that it was only a

more solemn and accurate sort of *Probatio*, with the addition of enrolling new Names, cancelling old ones, and other Circumstances of that nature.

Besides all this, 'twas an usual Custom for the *Equites*, when they had serv'd out their legal time in the Wars, to lead their Horse solemnly into the *Forum*, to the Seat of the Two *Censors*; and there having given an account of the Commanders under whom they had serv'd, as also of the Time, Places, and Actions relating to their Service, they were discharg'd every Man with Honour or Disgrace, according as he deserv'd. For this account we are beholden to *Plutarch*, who gives a particular Relation how this Ceremony was perform'd with universal Applause by *Pompey the Great*.

It might be brought as a very good Argument of the obscurity and confusion of these Matters, that of two very Learned Men; one makes this *Equi redditio* the same as the *Probatio* (a); the other the same as the *Transvectio* (b).

— Non nostrum tantis componere lites.

The Emperors often took a review of the Cavalry; and *Augustus* particularly restor'd the old custom of the *Transvectio*, which had before been discontinu'd for some time.

It is hard to conceive, that all the *Roman* Horse in the Army, should consist of Knights: And for that reason, *Sigonius* and many other Learned Men, make a distinction in the Cavalry, between those that serv'd *equo publico*, and those that serv'd *equo privato*; the former they allow to have been of the Order of Knights the latter not. But *Grævius* and his Noble Country-man *Schælius* have prov'd this Opinion to be a groundless Conjecture. They demonstrate from the Course of History, that from the beginning of the *Roman* State 'till the time of *Marius*, no other Horse entred the Legions, but the true and proper Knights: Except in the midst of Publick Confusion, when Order and Discipline were neglected.

After that Period, the Military affairs being new-modell'd, the Knights thought not fit to expole themselves abroad in the Legions as they had formerly done, but generally kept at home to enjoy their Estates, and to have a hand in the Transactions of

(a) *Herman. Hugo de Militiâ Equestri*, l. 2. c. 5. (b) *Sigon. Annot. ad Liv.* l. 9. c. 46.

(a) *Dionys. Halic. lib. 6.* (b) *Plut. in Coriolan.*

the City: And their places in the Army were fill'd by Foreign Horse: or if they ever made Campaigns themselves, they held some Post of Honour and Command. Hence under the Emperors, a Man might be a Knight and have the Honour of a *Publick Horse*, without ever engaging in the Publick Cause; or so much as touching Arms. Which consideration made some Princes lay aside the Custom of allowing the Knights a Horse, and leave them only their Gold-Ring to distinguish their Order, as *Pliny* (a) Senior affirm's to have been done in his time.

(a) L. 33. c. 1. *vid. Græv. Pref. ad Vol. 1. th. Rom.*

CHAP. III.

The Military Oath, and the Levies of the Confederates.

THE Levies being finish'd, the *Tribunes* of every Legion chose out one whom they thought the fittest Person, and gave him a solemn Oath at large; the substance of which was, That he shou'd oblige himself to obey the Commanders in all things, to the utmost of his Power; be ready to attend whenever they order'd his appearance; and never to leave the Army but by their consent. After he had ended, the whole Legion, passing one by one, every Man, in short, swore to the same effect, crying, as he went by, *Idem in me.*

This and some other Oaths, were so essential to the Military State, that *Juvenal* useth the Word *Sacramenta*, for *Milites*, or *Militiæ*; Sat. 16.

*Premia nunc alia, atque alia emolumenta notemus
Sacramentorum*——

As to the raising the Confederate Troops, *Polybius* informs us, That at the same time as the Levies were made in *Rome*, the *Consuls* gave notice to the Cities of the Allies in *Italy*; intimating the number of Forces they shou'd have occasion to borrow of them, together with the Time and Place when and where they wou'd

wou'd have them make their Rendezvous. The States accordingly conven'd their Men, and, chusing out their desir'd Number, gave them an Oath, and assign'd them a Commander in Chief, and a Pay-master General. We may observe, That in the time of *Polybius*, all *Italy* was indeed subject to the *Romans*; yet no State or People in it, had been reduc'd into the form of a Province; retaining, for the generality, their old Governours and Laws, and being term'd *Socii*, or Confederates.

But, after all, the *Italians* were not only divided into separate Provinces, but afterwards honour'd with the *jus Civitatis*; the Name of *Socii* ceas'd, all the Natives of *Italy* being accounted *Romans*; and therefore instead of the social Troops, the *Auxilia* were afterwards procur'd, which are carefully to be distinguish'd from the former. They were sent by foreign States and Princes, at the desire of the *Roman* Senate, or Generals, and were allow'd a set Pay from the Republick; whereas the *Socii* receiv'd no consideration for their Service, but a Distribution of Corn.

CHAP. IV.

Of the Evocati.

THE most eminent Degree of Soldiers, were the *Evocati*; taken as well out of Allies as Citizens, out of Horse as Foot, not by Force, but at the Request and Intreaty of the *Consuls*, or other Officers: For which purpose, Letters were commonly dispatch'd to every particular Man whom they design'd thus to invite into their Service. These were old experienc'd Soldiers, and generally such as had serv'd out their legal Time. or had receiv'd particular Marks of Favour, as a Reward of their Valour, on which accounts they were styl'd *Emeriti*, and *Beneficarii*: Scarce any War was undertaken, but a great number of these, were invited into the Army, therefore they had the honour to be reckon'd almost equal with the *Centurions*. In the Field, they usually guarded the chief Standard, being excus'd from all the Military Drudgery, of standing on the Watch, labouring in the Works, and other servile Employments.

The Emperour *Galba* gave the same Name of *Evocati*, to a select

lect Band of young Gentlemen of the *Equestrian Rank*, whom he kept as a Guard to his Palace (a).

(a) *Sueton. in Galb. c. 10.*

CHAP. V.

The several kinds of the Roman Foot; and their Division into Manipuli, Cohorts, and Legions.

THE whole Roman Infantry was divided into Four sorts, *Velites*, *Hastati*, *Principes*, and *Triarii*.

The *Velites* were commonly some of the *Tyro's*, or young Soldiers, of mean Condition, and lightly Arm'd. They had their Name à *volando*, or à *velocitate*, from their Swiftneſs and Expedition. They ſeem not to have been divided into diſtinct Bodies, or Companies; but to have hover'd in looſe Order before the Army.

The *Hastati* were ſo call'd, becauſe they uſ'd in ancient times to fight with Spears, which were afterwards laid aſide as incommo- dious: Theſe were taken out of the next in Age to the *Velites*.

The *Principes* were generally Men of middle Age, and of greateſt Vigour: 'Tis probable, That before the Inſtitution of the *Hastati*, they uſ'd to begin the Fight, whence they borrow- ed their Name.

The *Triarii* were commonly *Veterans*, or hardy old Soldiers, of long Experience, and approv'd Valour. They had their Name from their Poſition, being Marſhall'd in the third Place, as the Main Strength and Hopes of their Party. They are ſome- times call'd *Pilarii*, from their Weapons the *Pila*.

Every one of theſe grand Diviſions, except the *Velites*, compos'd Thirty Manipuli, or Companies: Every Manipulus made Two Centuries, or *Ondines*.

Three Manipuli, One of the *Hastati*, another of the *Principes*, and a third of the *Triarii*, compos'd a Cohort. Among theſe, one was fill'd with ſome of the choiceſt Soldiers and Officers, ob- taining

taining the Honourable Title of *Prima Cohors*. We meet too with the *Prætoria Cohors*, inſtituted by *Scipio Numantinus*; ſe- lected for the moſt part out of the *Evocati*, or Reformadoes, and oblig'd only to attend on the *Prætor*, or General: And this gave original to the *Prætoriani*, the Life-guard of the Emperours.

Ten Cohorts made up a Legion: The exact number of Foot in ſuch a Battalion, *Romulus* fix'd at Three thouſand; though *Plutarch* aſſures us, That after the reception of the *Sabines* into *Rome*, he increas'd it to Six thouſand. The Common number afterwards, in the firſt times of the Free State, was Four thouſand: In the War with *Hannibal*, it aroſe to Five thouſand. After this, 'Tis probable they ſunk to about Four thouſand, or Four thouſand two hundred, again; which was the number in the time of *Polybius*.

In the Age of *Julius Cæſar*, we don't find any Legions exceed- ing the *Polybian* number of Men; and he himſelf expreſſly ſpeaks of Two Legions, that did not make above Seven thouſand be- tween them (a).

The number of Legions kept in Pay together, was different, ac- cording to the various Times and Occaſions. During the Free State, Four Legions were commonly fitted up every Year, and divi- ded between the Two *Conſuls*: Yet in caſes of neceſſity, we ſome- times meet with no leſs than Sixteen or Eighteen in *Livy*.

Auguſtus maintain'd a Standing Army of Twenty three, or (as ſome will have it) of Twenty five Legions; but in after-times we ſeldom find ſo many.

They borrow'd their Names from the Order in which they were rais'd, as *Prima*, *Secunda*, *Tertia*; but becauſe it uſually hap- pen'd, that there were ſeveral *Prima*, *Secunda*, &c. in ſeveral places; upon that account they took a ſort of Surname beſides, either from the Emperours who firſt conſtituted them, as *Auguſ- ta*, *Claudiana*, *Galbiana*, *Flavia*, *Ulpia*, *Trajana*, *Antoniana*; or from the Provinces which had been conquer'd chiefly by their Valour; as *Parthica*, *Scythica*, *Gallica*, *Arabica*, &c. Or from the Names of the particular Deities, for whom their Command- ers had an eſpecial Honour as *Minervia*, and *Appollinaris*: Or from the Region where they had their Quarters; as *Fretenſis*, *Cyrenica*, *Britannica*, &c. Or ſometimes upon account of leſſer Accidents as *Adjutrix*, *Martia*, *Fulminatrix*, *Rapax*, &c.

(a) *Commentar. lib. 5.*

C H A P. VI.

The Division of the Cavalry, and of the Allies.

THE Horse requir'd to every Legion was Three hundred, divided into ten *Turme*, or Troops; Thirty to a Troop; every *Turma* making Three *Decurie*, or Bodies of Ten Men. This number of Three hundred they term'd *justus Equitatus*; and is understood as often as we meet with *Legio cum suo equitatu*; or *Legio cum justo equitatu*. And though we now and then find a different number, as Two hundred in a place or two of *Livy* and *Cæsar*; yet we must suppose this alteration to have proceeded from some extraordinary cause, and consequently to be of no Authority against the common Current of History.

The foreign Troops, under which we may comprize the *Socii* and *Auxiliaries*, were not divided, as the Citizens, into Legions; but first into Two great Bodies, term'd *Alæ*, or *Cornuæ*; and those again into Companies usually of the same nature with those of the *Romans*: Though, as to this, we have little light in History, as a matter of small importance.

We may further remark, That the Forces which the *Romans* borrow'd of the Confederate States, were equal to their own in Foot, and double in Horse; though by disposing and dividing them with great Policy and Caution, they prevented any Design that they might possibly entertain against the natural Forces: For about a third part of the foreign Horse, and a fifth of the Foot, was separated from the rest, under the Name of *Extraordinarii*; and a more choice Part of those with the Title of *Ableiti*.

In the time of the Emperours, the Auxiliary Forces were commonly Honour'd with the Name and Constitution of Legions; though the more ancient Appellation of *Alæ* frequently occur. They were call'd *Alæ*, from their position in the Army; and therefore we must expect sometimes to find the same Name applied to the *Roman* Soldiers, when they happen'd to have the same Station.

C H A P.

C H A P. VII.

The Officers in the Roman Army; and first of the Centurions and Tribunes; with the Commanders of the Horse, and of the Confederate Forces.

THE Military Officers may be divided, according to *Lipsius*, into proper and Common; the first presiding over some particular Part, as the *Centurions* and *Tribunes*, the other using an equal Authority over the whole Force, as the *Legati* and the General.

We can't have a tolerable Notion of the *Centurions*, without remembering what has been already deliver'd; That every one of the Thirty *Manipuli* in a Legion, was divided into Two *Ordines*, or Ranks; and consequently the Three Bodies of the *Hastati*, *Principes*, and *Triarii*, into Twenty Orders a-Piece, as into Ten *Manipuli*. Now every *Manipulus* was allow'd Two *Centurions*, or Captains; One to each Order or Century: And to determine the point of Priority between them, they were created at two different Elections. The Thirty, who were made first, always took the Precedency of their Fellows, and therefore commanded the Right hand Orders, as the others did the Left.

The *Triarii*, or *Pilani*, being esteem'd the most Honourable, had their *Centurions* elected first; next to them the *Principes*, and afterwards the *Hastati*; whence they were call'd *primus* & *secundus Pilus*, *primus* & *secundus Princeps*, *Primus* & *secundus Hastatus*; and so on.

Here it may be observ'd, That *primi ordines*, is us'd sometimes in Historians for the *Centurions* of those Orders; and the same *Centurions* are sometimes styl'd *Principes Ordinum*, and *Principes Centurionum*.

We may take notice too, what a large Field there lay for Promotion; first through all the Orders of the *Hastati*, then quite through the *Principes*; and afterwards from the last Order of the *Triarii*, to the *Primipilus*, the most Honorable of the *Centurions*, and who deserves to be particularly describ'd.

This Officer, besides his Name of *Primipilus*, went under th several Titles of *Dux Legionis*, *Præfæctus Legionis*, *Primus Centurionum*, and *Primus Centurio*; and was the *Centurion* of the Right-hand Order of the first *Manipulus* of the *Triarians* or *Pilani*, in every Legion. He presided over all the other *Centurions*; and, generally, gave the Word of Command in Exercises and Engagements by Order of the *Tribunes*. Besides this, he had the care of the Eagle, or chief Standard of the Legion: Hence *Aquila præfesse* is to bear the Dignity of *Primipilus*; and hence *Aquila* is taken by *Pliny* for the said Office; and *Juvenal* seems to intimate the same.

*Ut locupletem Aquilam tibi Sexagesimus annus
Adferat.* Sat. 14.

Nor was this Station only honourable, but very profitable too; for he had a special Stipend allow'd him, probably as much as a Knight's Estate; and when he left that Charge, was reputed equal to the Members of the Equestrian Order, bearing the Title of *Primipilarius*; in the same manner as those who had discharged the greatest Civil Offices, were styl'd ever after *Consulares*, *Censorii*, *Prætorii*, *Quæstorii*, and *Ædilitiis*.

The Badge of the *Centurion's* Office was the *Vitis* or Rod which they bore in their Hand, whence *vitem pascere* imports the same as to sue for a *Centurion's* Place. The *Evocati* too had the Privilege of using the *Vitis*, as being in all respects rather superior to the *Centurions*.

Asto the reason why this Rod should be made of a Vine-branch, an old Scholiast upon *Juvenal* has a merry Fancy, that *Bacchus* made use of such a Scepter in his Martial Expedition, and recommended the use of it to Posterity.

Besides the *Centurions*, every *Manipulus* had two *Vexillarii* or Ensigns; and every *Centurion* chose two *Optiones*, or *Succenturiones* to be his Deputies or Lieutenants.

The *Tribunes* owe their Name and Original to *Romulus* his Institution, when he chose three Officers in chief of that nature, out of the three Tribes into which he divided his City. The number afterwards increas'd to six in every Legion. They were created, as at first by the Kings, so afterwards by the Consuls for some time, till about A. U. C. 393. when the People assum'd this Right to themselves: And tho' in the War with *Perseus* King of

of *Macedon*, this Privilege was regain'd by the Consuls (a), yet we find that in the very same War, it quickly after return'd to the People (b). 'Tis probable, that soon after they divided this Power between them, one half of the *Tribunes* being assign'd by the Consuls, the other half elected by the People. The former sort were term'd *Rufuli*, or *Rutili*, because one *Rusilius Rufus* preferr'd a Law in their behalf: The others *Comitiati* because they obtain'd their Command by the Publick Votes in the *Comitia* (c). They were sometimes taken out of the Equestrian and Senatorian Orders: And in the time of the *Cæsars* most (if not all) of the *Tribunes* seem to have been either Senators or Knights: Upon which account, they were divided into the *Laticlavii*, and the *Angusticlavii*; the *latus clavus* properly belonging to the former, and the *angustus clavus* to the latter.

The business of the *Tribunes* was to decide all Controversies in the Army; to give the Word to the Watch; besides the care of the Works and Camp, and several other Particulars which will fall under our notice upon some other occasion.

They had the Honour of wearing a Gold-Ring in the same manner as the *Equites*; and because their Office was extremely desir'd to encourage and promote as many as possible, their Command lasted but six Months: For the knowledge of both these Customs we are beholden to one Verse of *Juvenal*, Sat. 7.

Semestri vatum digitos circumligat auro,

Every *Turma*, or Troop of Horse had three *Decurions*, or Captains of Ten; but he that was first elected commanded the Troop, and the others were but his Lieutenants; tho' every one of the *Decurions* had an *Optio* or Deputy under him.

As to the Confederate or Foreign Forces, we are not certain how the smaller Bodies of them were commanded; but it seems most probable, that the *Romans* generally marshall'd them according to their own Discipline, and assign'd them Officers of the same nature with those of the Legions. But the two *Alæ*, or great Divisions of the Allies, we are assur'd had each a *Præfæct* appointed them by the *Roman* Consul, who govern'd in the same manner as the *Legionary Tribunes*.

(a) Vide Liv. l. 42. (b) Vide Liv. l. 43. (c) Vide *Ascon. Padian. in Verrin.*

C H A P. VIII.

The Legati, and the Imperator, or General.

THE Design of the *Legati* at their first Institution, was not so much to Command as to Advise. The Senate Selecting some of the oldest and most prudent Members to assist the General in his Councils. *Dionysius* call this The most Honourable and Sacred Office among the Romans, bearing not only the Authority of a Commander, but withal the Sanctity and Veneration of a Priest. (a) And he and *Polybius* gives them no other Name than *Πρεσβυται*, *Πρεσβυται* ἢ *συμβουλοι*, Elders or Elders and Counsellors.

They were chose commonly by the *Consuls*; the Authority of the Senate concurring with their Nomination: Tho' this was sometimes slighted, or contradicted, as appears from *Cicero*, in his Orations for *Sextus*, and against *Vatinius*.

They commanded in chief under the General, and manag'd all Affairs by his Permission; whence *Cæsar* calls their Power *Opera fiduciaria* (b). And when the *Consul* or *Proconcul* was absent, they had the Honour of using the *Fasces*, and were intrusted with the same charge as the Officer whom they represented.

As to the number of the *Legati*, we have no certainty; but we may suppose this to have depended upon the Pleasure of the General, and upon the Nature and Consequence of the Affair, in which they were engag'd: However we have tolerable Ground to assign one to every Legion.

Under the Emperours there were two sorts of *Legati*, *Consulares* and *Prætorii*; the first of which commanded whole Armies, as the Emperour's Lieutenant-Generals; and the other only particular Legions.

The General excell'd all other Officers, not only because he had the chief Command of the whole Army, Horse and Foot, Legions and Auxiliaries; but especially as he was allow'd the *Auspicia*, or the Honour of taking Omens, by help of the Diviners, which made a very solemn Ceremony in all Martial Expeditions.

(a) *Dionysj. Halicarn. l. 11.* (b) *Cicil. l. 2.*

Hence

Hence they were said, *gerere rem suis auspiciis*, and *suis divois*: This was most properly applied, when they did not act in Person; as *Suetonius*, when he reckons up the Conquests of *Augustus*, expresses himself, *Domuit autem partim ductu, partim auspiciis suis*, &c. (a).

Machiavel (b) highly extolls the Wisdom of the Romans in allowing their Generals unlimited Commissions, by which they were empower'd to fight or not to fight; to assault such a Town, or to march another way, without controll; the Senate reserving to themselves only the Power of making Peace and decreeing War, unless upon extraordinary occasions. This was several times the cause of remarkable Victories, that in all probability had been otherwise prevented. Thus when *Fabius Maximus* had given the *Tuscan* a considerable defeat at *Surrium*, and entred on a Resolution to pass the *Ciminian* Forest, a very dangerous and difficult Adventure; he never staid to expect further Orders from Rome, but immediately march'd his Forces into the Enemies Country, and at the other side of the Forest, gave them a total overthrow. In the mean time, the Senate fearing he might venture on such an hazardous Attempt, sent the Tribunes of the Commons with other Officers, to desire *Fabius* that he would not by any means think of such an Enterprize; but not arriving 'till he had effected his Design, instead of hindring his Resolution, they return'd home with the joyful News of his Success (c).

The setting out of the General was attended with great Pomp and Superstition. The Publick Prayers and Sacrifices for his Success being finish'd, he, habited in a rich *Paludamentum*, a Robe of Purple or Scarlet interweav'd with Gold, begun his March out of the City, accompanied with a vast Retinue of all Sexes and Ages; especially if the Expedition were undertaken against any potent or renowned Adversary; all Persons being desirous to see and follow with their Wishes, him on whom all their Hopes and Fortunes depended.

If it would not be too minute, we might add a Description of the General's Led-horics, with their rich Trappings of Purple and Cloath of Gold; such as *Dionysius* tells us they brought to honest *Quintius* the Dictator, in lieu of those he had left with his Plough: Or as that of *Pompey* the Great, which *Plutarch* mentions to have been taken by the Enemy in the War with *Sertorius*.

The old Romans had one very Superstitious Fancy in reference

(a) *Suet. in Aug. c. 21.* (b) *Machiavel's Discourse on Liv.* (c) *Livy. l. 9.*

to the General, that if he would consent to be *devoted* or sacrificed to *Jupiter, Mars, the Earth, and the Infernal Gods*; all the Misfortunes which otherwise might have happen'd to his Party, would, by virtue of that pious Act, be transferr'd on their Enemies. This Opinion was confirm'd by several successful Instances, and particularly in the most renowned Family of the *Decii*; of whom, the Father, Son, and Grandson, all *devoted* themselves for the Safety of their Armies: The first being Consul with *Manlius* in the War against the *Latines*; and perceiving the Left Wing, which he commanded, to give back, he call'd out to *Valerius* the High Priest to perform on him the Ceremony of Consecration, (which we find describ'd by *Livy* in his eighth Book) and immediately spurr'd his Horse into the thickest of the Enemies Forces, where he was kill'd, and the *Roman Army* gain'd the Battel. His Son died in the same manner in the *Tuscan War*, and his Grandson in the War with *Pyrrhus*; in both which, the *Romans* were successful. *Juvenal* has left them this deserv'd *Encomium* in his eighth Satyr.

*Plebeiæ Deciorum animæ, plebeiæ fuerunt
Nomina: pro totis Legionibus hi tamen & pro
Omnibus auxiliis; atque omni pube Latinâ
Sufficiunt Diis infernis Terræque Parenti,
Pluris enim Decii quam qui servantur ab illis.*

From a mean Stock the pious *Decii* came,
Small their Estates, and Vulgar was their Name:
Yet such their Virtue, that their Loss alone,
For *Rome* and all our Legions could atone:
Their Country's Doom they by their own retriev'd,
Themselves more worth than all the Host they sav'd.

Mr. Steguy.

CHAP.

CHAP. IX.

Of the Roman Arms and Weapons.

FOR the Knowledge of this Subject, we need not take up with the common Division into Offensive and Defensive, but rather rank them both together, as they belong'd to the several sorts of Soldiers already distinguish'd.

As to the *Velites*, their Arms were the *Spanish Swords*, which the *Romans* thought of the best Shape and Temper, and fittest for execution, being something like the *Turkish Scymetars*, but more sharp at the Point.

Haste, or Javelins, seven in number to every Man, very light and slender.

Parma, a kind of round Buckler, three Foot in Diameter, of Wood cover'd with Leather.

Galea, or *Galerus*, a light Casque for their Head, generally made of the Skin of some wild Beast, to appear the more terrible. Hence *Virgil*,

———— Fulvosq; lupi de pelle galeros.

and *Propertius*.

Et galea hirsutâ compta supina jubâ.

It seems probable, that after the time when the *Secii* were admitted into the *Roman Legions*, the particular Order of the *Velites* was discontinued, and some of the youngest Soldiers were chose out upon occasion to skirmish before the main Body: Hence we find among the Light Forces in the times of the Emperours, the *Sagittarii* and *Funditores*, the Darters and Slingers, who never constituted any part of the proper *Velites*. And so before the Institution of the *Velites*, we meet with the *Rorarii*, and the *Accensi*, whom *Sallust* calls *Ferentarii*, who perform'd the same Duty, with several sorts of Weapons.

The Arms of the *Hastati*, *Principes* and *Triarii* were in a great measure the same, and therefore *Polypius* has not divided them in his Description, but speaks of them all together.

O 4

Their

Their Sword was the same as that of the *Velites*; nor need we observe any thing more about it, only that the *Roman Soldiers* us'd commonly to wear it on their Right side, that it might not hinder their Shield, tho' they are often represented otherwise in ancient Monuments.

Their other Arms, worth our notice, were the *Scutum*, the *Pilum*, the *Galea*, and the *Lorica*.

The *Scutum* was a Buckler of Wood, the Parts being joined together with little Plates of Iron, and the whole cover'd with a Bull's Hide: An Iron-plate went about it without, to keep off Blows, and another within, to hinder it from taking any damage by lying on the Ground: In the middle was an Iron-boss or *Umbro* jutting out, very serviceable to glance off Stones and Darts, and sometimes to press violently upon the Enemy, and drive all before them. They are to be distinguish'd from the *Chelys*, which were less, and quite round, belonging more properly to other Nations; tho' for some little time, us'd by the *Romans*. The *Scuta* themselves were of two kinds; the *Ovata*, and the *Imbricata*; the former in a plain oval Figure; the other oblong, and bending inward, like half a Cylinder. *Polybius* makes the *Scuta* four Foot long, and *Plutarch* calls them *modicus reaching down to the Feet* (a). And 'tis very probable, that they cover'd almost the whole Body, since in *Livy* we meet with Soldiers, who stood on the Guard, sometimes sleeping with their Head laid on their Shield, having fix'd the other part of it on the Earth (b).

The *Pilum* was a Missive Weapon, which in a Charge, they darted on the Enemy. It was commonly Four-square, but sometimes round, compos'd of a piece of Wood about three Cubits long, and a slip of Iron of the same length, hooked and jagged at the end. They took abundance of care in joining the two Parts together, and did it so artificially, that it should sooner break in the Iron it self than in the Joint. Every Man had two of these *Pila*; and this number the Poets allude to.

Bina manu lato crispans hastilia ferro. Virg. *Æn* 1.

*Que duo sola manu gestans acclivis monti
Fixerat intorquet jacula.* Statius *Thebaid.* 2.

C, *Marius* in the *Cimbrian War* contriv'd these *Pila* after a new

(a) *Plut. in P. Æmyliæ.* (b) *Liv. lib. 44.*

fashion:

fashion: For before where the Wood was join'd to the Iron it was made fast with two Iron-pins: Now *Marius* let one of them alone as it was, and pulling out the other, put a weak wooden Peg in its place; contriving it so, that when 'twas stuck in the Enemies Shield, it should not stand out-right as formerly; but the Wooden Peg breaking the Iron should bend, and so the Javelin sticking fast by its crooked Point, should weigh down the Shield (a).

The *Galea* was a Head-piece, or Morrion, coming down to the Shoulders, commonly of Brass: Tho' *Plutarch* tells us, that *Camillus* order'd those of his Army to be Iron, as the stronger Metal (b). The lower part of this they call'd *Buccula*, as we have it in *Jænenal*.

————— *Trahit de casside Buccula pendens.* Sat. 10.

A Chap-faln Beaver loosely hanging by
The Cloven Helm —————

On the top was the *Crista*, or Crest; in adorning of which the Soldiers took great Pride. In the time of *Polybius* they wore Plumes of Feathers dyed of various Colours, to render themselves beautiful to their Friends, and terrible to their Enemies, as the *Turks* do at present. But in most of the old Monuments we find the Crests represented otherwise, and not much different from those on the top of our Modern Head-pieces. Yet *Virgil* mentions the Feathers expressly.

Cujus olorina surgunt de vertice pennæ. *Æn.* 10.

And he describes *Mezentius* his Crest, as made of a Horse's Main.

————— *Cristaq; hirsutus equinâ.* *Æn.* 7.

But whatever the common Soldiers had for their Crest, those of the Officers were more splendid and curious; being usually work'd in Gold or Silver, and reaching quite cross the Helm for distinction sake. If we might speak of those of Foreign Commanders, the Crest of King *Pyrrhus*, as very singular, would deserve our Remark; which *Plutarch* describes as made of two Goats Horns (c).

(a) *Plutarch. in Mariæ.* (b) *Idem in Camill.* (c) *Idem in Pyrrho.*

The

The *Lorica* was a Brigandine or Coat of Mail, generally made of Leather, and work'd over with little Hooks of Iron, and sometimes adorn'd with small Scales of thin Gold; as we find in *Virgil*.

Loricam confectam hamis. *Rn.* 3.

And,

Nec duplici squamâ lorica fidelis & auro. *Rn.* 9.

Sometimes the *Lorice* were a sort of Linen Cassöcks, such as *Suetonius* attributes to *Galba*, and like that of *Alexander* in *Plutarch*; or those of the *Spanish* Troops describ'd by *Polybius* in his Account of the Battel of *Cannæ*.

The poorer Soldiers, who were rated under a thousand Drachms, instead of this Brigandine, wore a *Pectorale*, or Breast-Plate of thin Brass, about twelve Fingers square; and this, with what has been already describ'd, rendred them compleatly arm'd; unless we add the *Ocreæ* or Greaves, which they wore on their Legs; which perhaps they borrow'd (as many other Customs) from the *Grecians*, the

ἄσπερ ἄσπερ Ἀχαιοί.

In the elder times of the *Romans*, their Horse us'd only a round Shield, with a Helmet on their Head, and a couple of Javelins in their Hands; great part of their Body being left without defence. But as soon as they found the great Inconveniences to which they were hereby expos'd, they begun to arm themselves like the *Grecian* Horse, or much like their own Foot, only their Shield was a little shorter and squarer, and their Lance or Javelin thicker with Spikes at each end, that if one miscarried the other might be serviceable.

CHAP.

CHAP. X.

The Order of the Roman Army drawn up in *Battalia*.

WHEN the Officers marshall'd the Army in order to an Engagement, the *Hastati* were plac'd in the Front in thick and firm Ranks; the *Principes* behind them; but not altogether so close; and after them the *Triarii*, in so wide and loose an Order, that, upon occasion, they could receive both the *Principes* and the *Hastati* into their Body in any distress. The *Velites*, and in latter times, the Bow-men and Slingers, were not drawn up in this regular manner, but dispos'd of either before the Front of the *Hastati*, or scatter'd up and down among the void spaces of the same *Hastati*, or sometimes plac'd in two Bodies in the Wings. But where-ever they were fix'd, these Light-Soldiers began the Combat, skirmishing in flying Parties with the first Troops of the Enemy: If they prevail'd, which very seldom happen'd, they prosecuted the Victory; but upon a Repulse, they fell back by the Flanks of the Army, or rallied again in the Rear. When they were retir'd, the *Hastati* advanc'd against the Enemy; and in case they found themselves over-power'd, retiring softly toward the *Principes*, fell into the Intervals of their Ranks, and together with them, renew'd the Fight. But if the *Principes* and the *Hastati* thus join'd, were too weak to sustain the Fury of the Battel, they all fell back into the wider Intervals of the *Triarii*; and then all together being united into a firm Mass, they made another Effort, much more impetuous than any before; If this Assault prov'd ineffectual, the Day was entirely lost as to the Foot; there being no farther Reserves.

This way of marshalling the Foot, was exactly like the Order of Trees, which Gardiners call the *Quincunx*; which is admirably compar'd to it in *Virgil* (a).

*Ut saepe ingenti bello cum longa cohortes
Explicuit Legio, et campo stetit agmen aperto;*

(a) *Georg.* 3.

Direct.

*Directaq; acies, ac late fluctuat omnis,
Are remidenti tellus, necdum horrida miscet
Prelia. sed dubius mediis Mars errat in armis.
Omnia sint paribus numeris dimensa viarum.
Non animum modò uti pascat prospectus inanem;
Sed quia non aliter vires dabit omnibus æquas
Terra, neq; in vacuum poterunt se extendere rami.*

As Legions in the Field their Front display,
To try the Fortune of some doubtful Day,
And move to meet their Foes with sober Pace,
Strict to their Figure, tho' in wider Space
Before the Battel joins, while from afar,
The Field yet glitters with the Pomp of War;
And equal Mars, like an Impartial Lord,
Leaves all to Fortune, and the dint of Sword;
So let thy Vines in Intervals be set,
But not their Rural Discipline forget.
Indulge their width, and add a roomy space,
That their extremest Lines may scarce embrace.
Nor this alone t'indulge a vast Delight,
And make a pleasing Prospect for the Sight:
But for the Ground it self, this only way
Can equal vigour to the Plants convey;
Which crowd'd, want the room their Branches to display.

Mr. Dryden.

And as the reason of that position of the Trees, is not only for Beauty and Show, but that every particular Tree may have room to spread its Root and Boughs, without entangling and hindring the rest; so, in this ranking of the Men, the Army was not only set out to the best advantage, and made the greatest show, but every particular Soldier had free room to use his Weapons, and to withdraw himself between the void spaces behind him, without occasioning any confusion or disturbance.

The Stratagem of reinforcing thus three times, has been reckon'd almost the whole Art and Secret of the Roman Discipline; and 'twas almost impossible it shou'd prove unsuccessful, if duly observ'd: For Fortune, in every Engagement, must have fail'd them several times, before they could be routed; and the Enemy must have had the Strength and Resolution to overcome them in three several Encounters, for the decision of one Battel; whereas most

most other Nations, and even the Grecians themselves, drawing up their whole Army, as it were, into one Front, trusted themselves and Fortunes to the Success of a single Charge.

The Roman Cavalry was posted at the two Corners of the Army, like the Wings on a Body and fought sometimes on Foot, sometimes on Horse back, as occasion requir'd, in the same manner as our Dragoons. The Confederate, or Auxiliary Forces, compos'd the Two Points of the Battel, and cover'd the whole Body of the Romans.

As to the Stations of the Commanders, the General commonly took up his Post near the middle of the Army, between the *Principes* and the *Triarii*, as the fittest place to give Orders equally to all the Troops. Thus *Virgil* dispos'd of *Turnus*.

Medio Dux agmine *Turnus*
Vertitur Arma tenens. — Æn. 9.

The *Legati* and the *Tribunes* were usually posted by him unless the former were order'd to Command the Wings, or the others some particular Part of the Army.

The *Centurions* stood every Man at the Head of his Century, to lead them up; though sometimes, out of Courage and Honour, they expos'd themselves in the Van of the Army: As *Sallust* reports of *Catiline*, that he posted all his choice *Centurions*, with the *Evocati*, and the Flower of the Common Soldiers, in the Front of the Battel: But the *Primipili*, or Chief *Centurions*, had the Honour to stand with the *Tribunes*, near the General's Person.

The common Soldiers were plac'd in several Ranks, at the discretion of the *Centurions*, according to their Age, Strength, and Experience; every Man having three Foot square allow'd him to manage his Arms in: And 'twas most religiously observ'd in their Discipline, never to abandon their Ranks, or break their Order upon any account.

But besides the common Methods of drawing up their Army, which are sufficiently explain'd by every Historian of any Note, there were several other very singular Methods of forming their Battel into odd Shapes, according to the nature of the Enemy's Body.

Such as the *Cuneus*, when an Army was rang'd in the figure of a Wedge or Triangle, the most proper to pierce and break the Orders

Orders of the Enemy. This was otherwise call'd *Caput partium*, which in some measure it resembled.

The *Globus*, when the Soldiers cast themselves into a firm round Body, practis'd usually in cases of Extremity.

The *Forsax*, an Army drawn up as it were into the form of a pair of Sheers. It seems to have been invented on purpose to receive the *Cuneus*, in case the Enemy shou'd make use of that Figure: For while he endeavour'd to open, and, as it were, to cleave their Squadrons with his Wedge, by keeping their Troops open like the Sheers, and receiving him in the middle, they not only hinder'd the Damage design'd to their own Men, but commonly cut the adverse Body in pieces.

The *Turris*, an oblong square Figure, after the fashion of a Tower, with very few Men in a File, and the Files extended to a great length. This seems of very ancient original, as being mention'd in *Homer*:

Οἱ δὲ πύργους ὅσας αὐτὸς ἀπέκτισσε. *Iliad* μ.

The *Serra*, or Saw, when the first Companies in the Front of the Army, beginning the Engagement, sometimes proceeded, and sometimes drew back; so that by the help of a large Fancy, one might find some resemblance between them and the Teeth of that Instrument.

C H A P. XI.

The Ensigns and Colours; the Musick; the Word in Engagements; the Harangues of the General.

TH E R E are several things still behind, relating to the Army, very observable, before we come to the Camp and Discipline; such as the Ensigns, the Musick, the Word, or Sign, in Engagements, and the Harangues of the General.

As to the Ensigns, they were either proper to the Foot, or to the Horse. Ensigns belonging to the Foot, were either the common one of the whole Legion, or the particular ones of the several Manipuli.

The common Ensign of the whole Legion, was an Eagle of Gold or Silver, fix'd on the top of a Spear, holding a Thunder-bolt in his Talons, as ready to deliver it. That this was not peculiar to the Romans, is evident from the Testimony of *Xenophon*; who informs us, That the Royal Ensign of *Cyrus* was a golden Eagle spread over a Shield, and fastned on a Spear; and that the same was still us'd by the *Persian Kings* (a).

What the Ensigns of the Manipuli formerly were, the very Word points out to us; for, as *Ovid* expresses it.

*Pertica suspensos portabat longa Maniplos,
Unde Manipularis nomina miles habet.*

Manipulus properly signifying a wisp of Hay, such as in ruder times the Soldiers carried on a Pole for an Ensign.

But this was in the rustick Age of *Rome*; afterwards they made use of a Spear with a transverse piece on the top, almost like a Crois; and sometimes with a Hand on the top, in allusion to *Manipulus*; below the transverse part was fastned one little orbicular Shield, or more, in which they sometimes placed the smaller Images of the Gods, and in latter times of the Emperours.

(a) *De Instit. Cyri, lib. 7.*



Augustus order'd a Globe fastned on the head of a Spear to serve for this Use, in token of the Conquest of the whole World.

The Ensign of the Horse was not solid as the others, but a Cloth almost like our Colours, spreading on a Staff: On these were commonly the Names of the Emperours, in Golden or Purple Letters.

The religious Care the Soldiers took of the Ensigns, was extraordinary; they worshipp'd them, swore by them, and incurr'd certain death if they lost them. Hence 'twas an usual Stratagem in a dubious Engagement, for the Commanders to snatch the Ensigns out of the Bearers Hands, and throw them among the Troops of the Enemy, knowing that their Men wou'd venture the extremest Danger to recover them.

As for the several kinds of Standards and Banners, introduc'd by the later Emperours, just before Christianity, and afterwards, they do not fall under the present Enquiry, which is confin'd to the more flourishing and vigorous Ages of the Common-wealth.

The Romans us'd only Wind-musick in their Army; the Instruments which serv'd for that purpose, may be distinguish'd into the *Tuba*, the *Cornua*, the *Buccina*, and the *Litui*.

The *Tuba* is suppos'd to have been exactly like our Trumpet, running on wider and wider in a direct Line to the Orifice.

The *Cornua* were bended almost round; they owe their Name and Original to the old Horns of Beasts, put to the same use in the ruder Ages.

The *Buccina* seem to have had the same rise, and may derive their Name from *Bos* and *Cano*. 'Tis very hard to distinguish these from the *Cornua*, unless they were something less and, not quite so crooked: Yet 'tis most certain, that they were of a different Species; because we never read of the *Cornua*, in use with the Watch, or Sentinels, but only these *Buccina*.

The *Litui* were a middle kind between the *Cornua* and the *Tuba*, being almost straight, only a little turning in at the top, like the *Lituis*, or sacred Rod of the *Augur*, whence they borrow'd their Name.

These Instruments being all made of Brass, the Players on them went under the Name of *Aeneatores*, besides the particular Terms of *Tubicines*, *Cornicines*, *Buccinatores*, &c. and there seems to have been a set number assign'd to every *Manipulus* and *Turma*, besides several of a higher Order, and common to the whole Legion. In a Battel, the Former took their Station by the Ensign, or Colours, of their particular Company, or Troop: The others stood near the

the Chief Eagle in a Ring, hard by the General and Prime Officers; and when the Alarm was to be given, at the Word of the General, these latter began it, and were follow'd by the common Sound of the rest, dispers'd through the several parts of the Army.

Besides this *Classicum*, or Alarm, the Soldiers gave a general Shout at the first Encounter, (a) which in later Ages they call'd *Barritus*, from some German Original.

This Custom seems to have rose from an Instinct of Nature, and is attributed almost to all Nations that engag'd in any Marrial Action; as by *Homer* to the *Trojans*; by *Tacitus* to the *Germans*; by *Livy* to the *Gauls*; by *Quintus Curtius* to the *Macedonians* and *Persians*; by *Thucydides*, *Plutarch*, and other Authors, to the *Grecians*. *Polyenus* honours *Pan* with the invention of the Device, when he was Lieutenant-General to *Bacchus* in the *Indian Expedition*; and, if so, we have a very good Original for the *Terrores Panici*, or *Panick Fears*, which might well be the consequence of such a dismal and surprizing Clamour. The *Romans* made one addition to this Custom, at the same time clashing their Arms with great violence, to improve the Strength and Terrour of the Noise. This they call'd *contussio Armarum*.

Our famous *Milton* has given us a noble Description of it, as us'd by the Rebel-Angels after their Leader's Speech for the renewing of the War.

He spake: And to confirm his Words, our flew
Millions of Flaming Swords, drawn from the Thighs,
Of mighty Cherubims; the sudden Blaze,
Far round illumin'd Hell: Highly they rag'd
Against the Highest, and Fierce with grasped Arms,
Clash'd on their Sounding Shields, the din of War,
Hurling defiance toward the Vault of Heaven.

Parad. Lost. B. 1.

The Signs of Battel, besides the *Classicum*, were either a Flag, or Standard, erected for that purpose, which *Plutarch*, in two several places, calls a *Purple Robe*; or more properly some Word

(a) Vid. A. Gill. Not. Artic. lib. 1. cap. 11.

or Sentence communicated by the General to the Chief Officers, and by them to the whole Army. This commonly contain'd some good Omen; as, *Felicitas, Libertas, Victoria, Fortuna Caesaris*, and the like; or else the Name of some Deity, as *Julius Caesar* us'd *Venus Genetrix*; and *Augustus, Apollo*. The old *Tessera* put to this use, seems to have been a sort of Tally, deliver'd to every Soldier to distinguish him from the Enemy; and perhaps on that they us'd to inscribe some particular Word, or Sentence, which afterwards they made use of without the Tally.

One great Encouragement which the Soldiers receiv'd in the entrance on any Adventure, was from the Harangue of the General; who upon the undertaking an Enterprize, had a Throne erected with green Turf, surrounded with the *Fusces*, Ensigns, and other Military Ornaments; from whence he address'd himself to the Army, put them in mind of the noble Achievements of their Ancestors, told them their own Strength, and explain'd to them the Order and Forces of the Enemy; raising their Hopes with the glorious Rewards of Honour and Victory, and dissipating their Fears by all the Arguments that a natural Courage and Eloquence could suggest. This Custom, tho' now laid aside as antiquated and useless, is yet highly commended in the ancient Discipline, and without doubt has been often the cause of extraordinary Successes, and the means of stifling Sedition, hindring rash Action, and preventing many unfortunate Disorders in the Field.

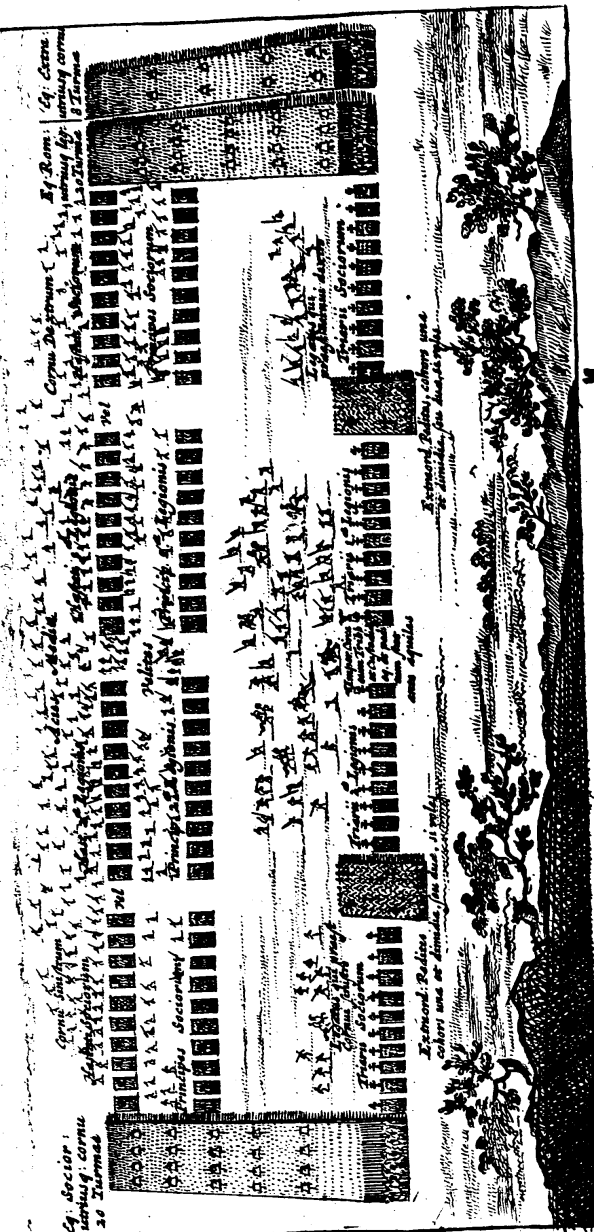
C H A P. XII.

The Form and Division of the Roman Camp.

THE Romans were more exact in nothing than in forming their Camp; and two very great Commanders *Philip of Macedon*, and King *Pyrrhus*, upon view of their admirable Order and Continuance herein, are reported to have express'd the greatest Admiration imaginable of the Roman Art, and to have thought them more than *Barbarians*, as the *Grecians* term'd all People besides themselves.

Before

ICONISMUS ACIEI VULGATE



Before we take a particular Prospect of the Camp, we had best distinguish between the *Castra Æstiva*, and *Castra Hiberna*: The former were sometimes light and moveable, so that they might be set up or took down in a Night, and then they call'd them simply *Castra*. At other times, when they design'd to continue long in their Encampments, they took more pains to fortifie and regulate them, for the Convenience and Defence of their Men; and then they term'd them *Castra Stativa*,

As for the *Hiberna*, or Winter-Quarters, they were commonly taken up in some City or Town, or else so built, and contriv'd as to make almost a Town of themselves. And hence the Antiquarians observe, That the Modern Towns whole Names end in *caster*, were originally these *Castra Hiberna* of the *Romans*.

The Figure of the *Roman* Camp was Four-square, divided into two chief Partitions, the Upper and the Lower. In the Upper Partition, were the Pavilion of the General, and the Lodgments of the chief Officers: In the Lower, were dispos'd the Tents of the common Soldiers, Horse and Foot.

The General's Appartment, which they call'd *Prætorium* (because the ancient *Latines* styl'd all their Commanders *Prætores*) seems to have been of a round Figure: The chief Parts of it were the *Tribunal*, or General's Pavilion; the *Augurale* set aside for Prayers, Sacrifices, and other Religious Uses; the Appartments of the young Noblemen, who came under the care of the General, to inform themselves in the Nature of the Countries, and to gain some Experience in Military Affairs: These Gentlemen had the honourable Title of *Imperatoris Contubernales*.

On the Right side of the *Prætorium*, stood the *Quæstorium* assign'd to the *Quæstor*, or Treasurer of the Army; and hard by the *Forum*, serving not only for the sale of Commodities, but too for the meeting of Councils, and giving Audience to Ambassadors: This is sometimes call'd *Quintana*.

On the other side of the *Prætorium* were lodg'd the *Legati*, or Lieutenant-Generals: And below the *Prætorium*, the Tribunes took up their Quarters by six and six, opposite to their proper Legions, to the end they might the better govern and inspect them.

The *Præfecti* of the Foreign Troops were lodg'd at the sides of the Tribunes, over-against their respective Wings: Behind these were the Lodgments of the *Evocati*, and then those of the

Extraordinarii and *Ableti equites*, which concluded the higher part of the Camp.

Between the two Partitions was included a Spot of Ground about an hundred Foot in length, which they call'd *Principia*, where the Altars and Statues of the Gods, and (perhaps) the chief Ensigns were fix'd all together.

The middle of the lower Partition, as the most Honourable Place, was assign'd to the *Roman Horse*; and next to them were quarter'd the *Triarii*, then the *Principes*; close by them, the *Hastati*; afterwards the Foreign Horse; and in the last place the Foreign Foot.

But the Form and Dimensions of the Camp, can't be so well describ'd any other way as in a Table, where they are expos'd to view. However we may remark two great pieces of Policy in the way of disposing the Confederate Forces: For in the first place, they divided the whole Body of Foreigners, placing part in the highest Partition of the Camp, and part in the lower; and then the matter was order'd so, that they should be spread in thin Ranks round the Troops of the State; so that the latter, possessing the middle space, remain'd firm and solid, while the others were Masters of very little strength; being separated so vast a distance from one another, and lying just on the Skirts of the Army.

The *Romans* fortified their Camp with a Ditch and Parapet, which they term'd *Fossa* and *Vallum*; in the last, some distinguish two Parts, the *Agger* and the *Sudes*. The *Agger* was no more than the Earth cast up to form the *Vallum*; and the *Sudes* were a sort of wooden Stakes to secure and strengthen it.

CHAP. XIII.

Of the Duties, Works, and Exercises of the Soldiers.

THE Duties and Works of the Soldiers consisted chiefly in their Watches and Guards, and their diligence in casting up Intrenchments and Ramparts, and such other laborious Services.

The Watches and Guards were divided into the *Excubie*, and the *Vigilie*: The first kept by Day, the other by Night.

As

As to the *Excubie*, they were kept either in the Camp, or at the Gates and Intrenchments. For the former there was allow'd a whole *Manipulus* to attend before the *Prætorium*; and four Soldiers to the Tent of every Tribune.

The *Triarii*, as the most honourable Order, were excus'd from the ordinary Watches; yet being plac'd exactly opposite to the *Equites*, they were oblig'd to have an Eye over their Horses.

The *Excubie*, at the Gates of the Camp, and at the Intrenchments they properly call'd *Stationes*. There seem to have been assign'd one Company of Foot and one Troop of Horse to each of the Four Gates every Day. And 'twas a most unpardonable Crime to desert their Post, or to abandon their Corps or Guards. The excellency of the *Roman* Discipline in this particular, has appear'd on many occasions to their great Honour, and to the benefit of their Affairs. To give one instance: At the Siege of *Agri-gentum* in *Sicily*, in the first *Punic* War, when the *Roman* Guards had dispers'd themselves abroad a little farther than they ought into the Fields for Forage; and the *Carthaginians*, laying hold on the opportunity, made a vigorous Sally from the Town, and in all probability would have forc'd the Camp; the Soldiers, who had carelessly neglected their Duty, being sensible of the extreme Penalty they had incur'd; resolv'd to repair the Fault by some remarkable Behaviour; and accordingly rallying together, they not only sustain'd the Shock of the Enemy, to whom they were far inferior in number; but in the end made so great a slaughter among them, as compell'd them to retreat to their Works, when they had well-nigh forc'd the *Roman* Lines (a).

The Night-guards assign'd to the General and Tribunes, were of the same nature as those in the Day. But the proper *Vigiles* were four in every *Manipulus*, keeping Guard three Hours, and then reliev'd by four others: So that there were four Sets in a Night, according to the four Watches, which took their Name from this Custom.

The way of setting this nightly Guard, was by a Tally or *Tessera*, with a particular Inscription given from one Centurion to another quite through the Army, till it came again to the Tribune who at first deliver'd it. Upon the receipt of this, the Guard was immediately set. The Person deputed to carry the *Tessera* from the Tribunes to the Centurions was call'd *Tesserarius*.

(a) Vide Polyb. lib. 1.

But because this was not a sufficient regulation of the Business, they had the *Circuitio Vigilum*, or a visiting the Watch, performed commonly about four times in the Night, by some of the Horse. Upon extraordinary occasions, the Tribunes and Lieutenant-Generals, and sometimes the General himself, made these Circuits in Person, and took a strict view of the Watch in every Part of the Camp.

Livy (a), when he takes an occasion to compare the *Macedonians* with the *Roman* Soldiers, gives the latter particularly the preference, for their unwearied labour and patience in carrying on their Works. And that this was no mean Encomium, appears from the Character *Peblius* (b) has bestow'd on the *Macedonians*, that scarce any People endur'd Hardships better, or were more patient of Labour, whether in their Fortifications or Encampments, or in any other painfull and hardy Employment incident to the Life of a Soldier. There is no way of shewing the excellency of the *Romans* in this Affair, but by giving some remarkable Instances of the Military Works; and we may be satisfied with an account of some of them, which occur under the Conduct of *Julius Caesar*.

When he belieg'd a Town of the *Atuatici* in *Gallia*, he begin'd it with a Rampart twelve Foot high, and as many broad; strengthening it with a vast number of wooden Forts; the whole Compass including fifteen Miles: And all this he finish'd with such wonderful Expedition, that the Enemy were oblig'd to confess, they thought the *Romans* were assisted in these Attempts by some Supernatural or Divine Power (c).

At another time, in an Expedition against the *Helvetii* in the same Country, with the assistance only of one Legion, and some Provincial Soldiers, he rais'd a Wall nineteen Miles long, and sixteen Foot high, with a Ditch proportionable to defend it (d).

More remarkable than either of these were his Fortifications before *Alesia*, or *Alexis* in *Burgundy*, describ'd by himself at large in his seventh Book; by which he protected his Army against fourscore thousand Men that were in the Town, and two hundred and forty thousand Foot, and eight thousand Horse that were arriv'd to the assistance of the Enemy (e).

But his most wonderfull Performance of this nature, were the Works with which he shut up *Pompey* and his Army in *Dyrrachi-*

um, reaching from Sea to Sea; which are thus elegantly described by *Lucan*, *Lib. 6.*

*Franguntur montes, planumq; per ardua Caesar
Ducit opus: pandit fossas, turrita; summis
Disponit Castella jugis, magnosq; recessu
Amplexus fines, saltus, nemorosaq; resqua,
Et silvas, vastaq; feras indagine claudit;
Non desunt Campi; non desunt pabula Magno
Castris; Cesareo circumdatus aggere mutat, &c.*

Vast Cliffs beat down, no more o'er-look the main,
And levell'd Mountains form a wondrous Plain:
Unbounded Trenches with high Forts secure
The stately Works, and scorn a Rival Power.
Woods, Forests, Parks in endless Circuits join'd,
With strange Enclosures cheat the Savage kind.
Still *Pompey's* Foragers secure may range;
Still he his Camp without confinement, change.

The Exercises of their Body were, Walking, Running Leaping, Vaulting, and Swimming. The first was very serviceable upon account of tedious Marches, which were sometimes of necessity to be undertaken; the next to make them give a more violent Charge on the Enemy; and the two last for climbing the Ramparts and passing the Ditches. The Vaulting belonged properly to the Cavalry, and is still own'd as useful as ever.

The Exercises of their Arms *Lipsius* divides into *Palatia* and *Armatura*.

The *Exercitia ad Palum*, or *Palatia*, were perform'd in this manner: They set up a great Post about six Foot high, suitable to the Stature of a Man; and this the Soldiers were wont to assail with all Instruments of War, as if it were indeed a real Enemy; learning upon this, by the assistance of the *Campidoctores*, how to place their Blows a-right. *Juvenal* brings in the very Women affecting this Exercise.

*Vel quis non vidit vulnera Palii
Quem cavat assiduis sudibus, scutoq; laceffit?* Sat. 6.

(a) L. 9. (b) L. 9. (c) *Caesar de Bell. Gall. l. 2. c. 8.* (d) *Idem, Gall. (e) Ib. l. 7. um,*

Who has not seen them, when without a Blush,
Against the Post their Wicker-Shields they crush,
Flourish the Sword, and at the Plastron push?

}

Armatura consisted chiefly in the Exercises perform'd with all manner of missile Weapons; as throwing of the Spear or Javelin, shooting of Arrows and the like; in which the *Tyrones*, or new listed Men, were train'd with great care, and with the severest Discipline. *Juvenal* may perhaps allude to this Custom in his first Satyr.

*Tu scabie frueris mali, quod in aggere rodit
Qui tegitur parmâ & galeâ, metuerisq; flagelli
Disce ab hirsuto jaculum terquere Capello.*

To you such scabb'd harsh Fruit is giv'n, as raw
Young Soldiers at their Exercisings gnaw,
Who trembling learn to throw the fatal Dart,
And under Rods of rough Centurions smart.

Nor did the common Soldiers only practise these Feats, but the Commanders themselves often set them an Example of Industry, and were very eminent for their Dexterity in Performances of this nature. Thus the famous *Scipio* is describ'd by *Silius Italicus*.

*Ipse inter medios venturae ingentia laudis
Signa dabat, vibrare sudem, transmittere saltu
Muraes fossas, undosum frangere nando
Indutus thoraca vadum, spectacula tantæ
Ante acies virtutis erant; sæpe alite plantâ
Illa perfoctum; & campi per aperta volentem
Ipse pedes prævertit equum: sæpe arduus idem
Casterum spatium & saxo transmisit & hastâ.* Lib. 8.

Among the rest the noble Chief come forth,
And shew'd glad Omens of his future worth.
High o'er his Head, admir'd by all the Brave,
He brandish'd in the Air his threatening Staff,
Or leap'd the Ditch, or swam the spacious Moat,
Heavy with Arms, and his embroyd'ed Coat.
Now fiery Steeds, tho' spur'd with Fury on,
On Foot he challeng'd, and on Foot out-run.

While

While cross the Plain he shap'd his airy Course,
Flew to the Goal, and sham'd the generous Horse.
Now pond'rous Stones, well poiz'd, with both his Hands
Above the wondring Crowd unmov'd he sends;
Now cross the Camp aims his long Ashen Spear,
Which o'er ten thousand Heads flies singing thro' the Air.

Thus have we taken a short view of the chief Duties, Works, and Exercises of the Soldiers; but we must not forget their constant Labour and Trouble of carrying their Baggage on their Shoulders in a March; this was commonly so heavy a Burden, and so extreme tiresome, that *Virgil* calls it *injustus fascis*. *Georg.* 3.

*Non secus ac patriis acer Romanus in armi-
Injusto sub fasce viam dum carpit, & ante
Hosti expectatum positus stat in ordine castris.*

Thus under heavy Arms the Youth of Rome
Their long laborious Marches overcome;
Bending with unjust Loads they chearly go,
And pitch their sudden Camp before the Foe.

Mr. Dryden.

C H A P. XIV.

Of the Soldiers Pay.

THE Roman Pay consisted of three Parts, Money, Corn and Cloaths.

As to the Money, 'tis very certain, that for above three hundred Years together the Army serv'd gratis, and at their own Charge; and when afterwards a certain Pay came to be established, it was no more than two *Oboli* a Day to the common Foot, and to the inferior Officers, and the Centurions four *Oboli*; to the Horse a *Drachma* a-piece. 'Tis probable, that the Tribunes receiv'd what was counted very considerable (tho' *Polybius* is silent in this matter) since in several Authors, we find a large Salary express'd by a Metaphor taken from a Tribune's Stipend: Thus *Juvenal* particularly:

After

— *Alter enim, quantum in Legione Tribuni Accipiunt, donant Calvinæ vel Carienæ. Sat. 3.*

For t'other wealthy Rogue can throw away
Upon a single Girl a Tribune's Pay.

Yet *Lipſius* has conjectur'd, from very good Authority, that it could not be more than four times the ordinary Stipend, or a *Dracma* and two *Oboli*.

And these were all such mean Considerations, that *Livy* had very good Reason for his Remark: *Nulla unquam Respublica fuit in quam tam sepe avaritia luxuriaq; immigraverint, nec ubi tantus ac tam diu paupertati ac parcimonie honos fuit (a).* Never was there any State or Kingdom in which Avarice and Luxury so late gain'd a Head, or where honest Poverty and Frugality continu'd longer in Esteem and Veneration.

Julius Cæſar was the first that made any considerable alteration in this Affair; who, as *Suetonius* affirms, doubled the Legionary Pay for ever.

Augustus settled a new Stipend rais'd to ten *Asses* a Day; and the following Emperours made such large Additions, that in the time of *Domitian*, the ordinary Stipend was twenty five *Asses* per Diem.

The Officers whom they receiv'd the Money from, were the *Questors*; or rather the *Tribuni Aerarii*, who were a distinct Society from the former, and who, (as *Vossius* (b) has settled the Point) were commission'd to take up Money of the *Questors* to pay off the Army. But it is probable, that being many in number, as they are constantly represented in History, they had some other Business besides this given them in charge. *Calvin* the Lawyer says, That they had the supervisal of all the Money cou'd in the City, as the *Questors* took care of the Taxes coming in from the Provinces (c).

Besides the Pay receiv'd in Money, we read of Corn and Cloaths often given to the Soldiers: But *Polybius* assures us, That the *Questor* always subtracted some part of their Pay on that account: And *Plutarch*, among the popular Laws of *C. Gracchus*, makes him the Author of one, ordaining, That the Soldiers should be cloath'd at the Expence of the State, without the least diminution of their Stipend. The Wheat allow'd the Foot was every Man four *Modii* a Month, to the Horse two *Modii*, and seven of Barley.

(a) *L. 1.* (b) *In Etym. Lin. Lat. in Vo. Trib.* (c) *Calv. Lex. Jur. in Vo. Trib. Aerarii,*
It

It was common for the Soldiers, especially in the time of the strict Discipline, to prepare their Corn themselves for their own use; and therefore some carried Hand-Mills about with them, to grind it with; others pounded it with Stones; and this hastily bak'd upon the Coals, very often furnish'd them with a Meal, which they made upon Tables of Turf, with no other Drink than bare Water, or what they call'd *Posca*, Water sharpen'd with a mixture of Vinegar.

CHAP. XV.

Of the Military Punishments.

THE Punishments us'd in the Camp, were such as reach'd either the Offender's Body Credit, or Goods. The Corporal Punishments were usually beating with the *Vites*, or Rods, or bastinading with the *Fustes*: The last, tho' already reckon'd up, among the Civil Punishments, which did not touch the Life of the Malefactor; yet in the Camp it was for the most part Capital, and was perform'd after this manner. The convicted Person being brought before the *Tribune*, was by him gently struck over the Shoulders with a Staff: After this, the Criminal had liberty to run, but at the same time the rest of the Soldiers had liberty to kill him if they could: So that being persecuted with Swords, Darts, Stones, and all manner of Weapons on every Hand, he was presently dispatch'd. This Penalty was incur'd, by stealing any thing out of the Camp; by giving false Evidence; by abandoning their Post in a Battle; by pretending falsely to have done some great Exploit, out of hopes of a Reward; by fighting without the General's Order; by losing their Weapons; or by aggravating a Misdemeanour less than either of these, by repeating it three times.

If a great number had offended, as by running from their Colours, mutinying, or other general Crimes, the common way of proceeding to Justice was by *Decimation*, or putting all the Criminal's Names together in a Shield or Vessel, and drawing them out by Lot; every Tenth Man being to die without Reprieve, commonly in the manner just now describ'd; so that by this means, tho' all were not alike sensible of the Punishment; yet all were frighted into Obedience. In later Authors, we meet sometimes with *Vicesimatio*, and *Centesimatio*, which Words sufficiently explain themselves.

The

The Punishments which reached no farther than their Credit; by expoting them to publick Shame; were such as these: Degrad- ing them from a higher Station to a lower; giving them a set quantity of Barley instead of Wheat; ungirding them, and taking away their Belt; making them Stand all Supper-time, while the rest sat down; and such other little Marks of Disgrace.

Besides these, *Agellius* has recorded a very singular Punishment, by letting the Delinquent Blood. His Judgment concerning the o- riginal of this Custom, is to this purpose: He fancies, that in elder times, this us'd to be prescrib'd to the drowsy and sluggish Soldiers, rather as a Physical Remedy than a Punishment; and that in after Ages it might have been applied in most other Faults, upon this Consideration, That all those who did not observe the Rules of their Discipline, were to be look'd upon as stupid or Mad; and for Persons in those Conditions, Blood-letting is commonly success- full (a). But because this reason is hardly satisfactory, the great Critick *Muretus* has oblig'd us with another, believing the design of this Custom to have been, That those mean-spirited Wretches might lose that Blood with thame and disgrace, which they dar'd not spend nobly and honourably in the Service of their Country (b).

As for the Punishments relating to their Goods and Money, the Tribunes might for several Faults impose a Fine on the Delin- quents, and force them to give a Pledge, in case they could not pay. Sometimes too they stopp'd the Stipend; whence they were call'd, by way of reproach, *Aere diuiti*.

(a) *Agel. l. 10. c. 8.* (b) *Muret. Variar. Leth. l. 13. c. 20.*

CHAP. XVI.

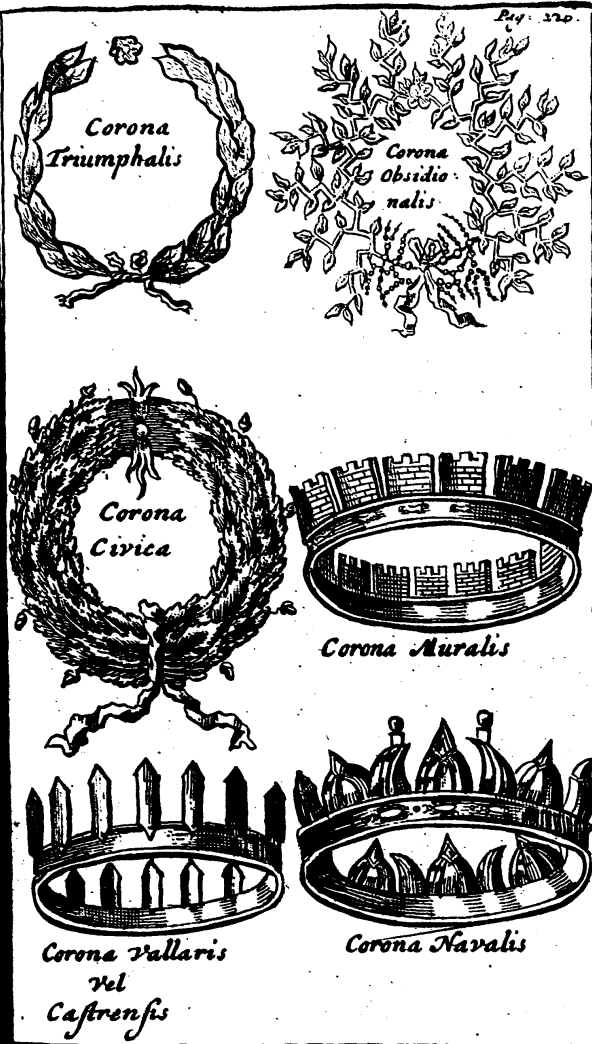
Of the Military Rewards.

BUT the Encouragemēts of Valour and Industry were much more considerable, than the Proceedings against the contrary Vices. The most considerable (not to speak of the Promotion from one Station to another) were first the *dona Imperatoria*, such as

The *Hasta pura*, a fine Spear of Wood without any Iron on it; such an one as *Virgil* has given *Sylvius* in the Sixth of the *Æneids*.

Ille, vides? purâ juvenis qui nititur hastâ.

The



This Present was usually bestow'd on him, who in some little Skirmish had kill'd an Enemy, who engag'd him Hand to Hand. They were reckon'd very Honourable Gifts, and the Gods are commonly represented with such Spears, on the old Coins. Mr. *Walker* derives hence the Custom of our great Court-Officers carrying White Rods or Staves, as Ensigns of their Places.

The *Armille*, a sort of Bracelets, given upon account of some eminent Service, only to such as were born *Romans*.

The *Torques*, Golden and Silver-Collars, wreath'd with curious Art and Beauty. *Pliny* attributes the Golden Collars to the Auxiliaries, and the Silver to the *Roman Soldiers*; but this is suppos'd to be a mistake.

The *Phalera*, commonly thought to be a Suit of rich Trappings for a Horse; but because we find them bestow'd on the Foot as well as the Cavalry, we may rather suppose them to have been golden Chains of like nature with the *Torques*, only that they seem to have hung down to the Breast; whereas the others only went round the Neck. The hopes of these two last are particularly urg'd, among the Advantages of a Military Life by *Juvenal*, Sat. 16.

Ut lati phaleris omnes, & torquibus omnes.

The *Vexilla*, a sort of Banners of different Colours, work'd in Silk or other curious Materials, such as *Augustus* bestow'd on *Agrippa*, after he had won the Sea-fight at *Actium*.

We may in the next place, take notice of the several Coronets, receiv'd on several occasions. As,

Corona Civica, given to any Soldier that had sav'd the Life of a *Roman Citizen* in an Engagement. This was reckon'd more honourable than any other Crown, tho compos'd of no better Materials than Oaken Boughs. *Virgil* calls it *Civilis Quercus*, *Æn.* 6.

Atque umbrata gerunt civili tempora Quercu.

Plutarch has guess'd very happily at the reason why the Branches of this Tree should be made use of before all others. For the Oaken Wreath, says he, being otherwise Sacred to *Jupiter*, the great Guardian of their City; they might therefore think it the most proper Ornament for him who had preserv'd a Citizen. Besides, the Oak may very well claim the preference in this case; because in the Primitive Times, that Tree alone was thought almost sufficient for the preserving of Man's Life: Its Acorns were the principal Diet of the old Mortals, and the Honey which was com-

monly

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monly found there, presented them with a very pleasant Liquor (a).

It was a particular Honour conferr'd on the Persons who had merited this Crown, That when they came to any of the publick Shows, the whole Company, as well Senate as People, should signify their Respect, by rising up when they saw them enter; and that they should take their Seat on these occasions among the Senators; being also excus'd from all troublesom Duties and Services in their own Persons, and procuring the same Immunity for their Father, and Grand-father by his side (b).

Corona Muralis, given to him who first scal'd the Walls of a City in a general Assault; and therefore in the shape of it there was some Allusion made to the Figure of a Wall.

Corona Castrensis, or *Vallaris*, the Reward of him who had first forc'd the Enemies Intrenchments.

Corona Navalis, bestow'd on such as had signaliz'd their Valour in an Engagement at Sea; being set round with Figures like the Beaks of Ships.

——— *Cui belli insigne superbum*
Tempora navali fulgent rostrata Coronâ. Virg. *Æn.* 8.

Lipsius fancies the *Corona Navalis*, and the *Rostrata*, to have been two distinct Species, tho' they are generally believ'd to be the same kind of Crown.

Corona obsidionis: This was not like the rest, given by the General to the Soldiers, but presented by the common Consent of the Soldiers to the General, when he had deliver'd the *Romans* or their Allies from a Siege. It was compos'd of the Grasse growing in the besieg'd Place.

Corona Triumphalis, made with Wreaths of Laurel, and proper only to such Generals as had the Honour of a Triumph. In After-ages this was chang'd for Gold *, and not only restrain'd to those that actually Triumph'd, but presented on several other accounts, as commonly by the Foreign States and Provinces to their Patrons and Benefactors. Several of the other Crowns too are thought to have been of Gold, as the *Castrensis*, the *Mural*, and the *Naval*.

Besides these, we meet with the *Corona aurea*, often bestow'd on Soldiers without any other additional Term. And *Dion Cassius*

(a) Vide *Plutarch. in Coriolano.* (b) Vide *Plin. lib. 16. cap. 4.*

men-

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mentions a particular sort of Coronet made of Olive-Boughs and bestow'd like the rest, in consideration of some signal Act of Valour:

Lipsius believes these to have succeeded in the Room of the Golden Crowns after they were laid aside.

The most remarkable Person upon Record in History, for obtaining a great number of these Rewards was one *C. Siccus* (or *Sicinius*) *Dentatus*; who had receiv'd in the time of his Military Service, eight Crowns of Gold; fourteen Civick Crowns, three Mural, eighty three Golden *Torques*, sixty Golden *Armille*, eighteen *Hasta pura*, and seventy five *Phalera*.

But far greater Honours were conferr'd on the Victorious Generals, some of which were usually decreed them in their absence, others at their arrival in the City.

Of the former kind were the *Salutatio Imperatoris*, and the *Supplicatio*; of the latter the *Ovation* and the *Triumph*.

The first of these, was no more than the saluting the Commander in chief with the Title of *Imperator*, upon account of any remarkable Success; which Title was decreed him by the Senate at *Rome*, after it had been given him by the joint Acclamations of the Soldiers in the Camp.

The *Supplicatio* was a solemn Procession to the Temple of the Gods to return thanks for any signal Victory.

(a) Vide *Agel. lib. 2. cap. 11. Valer. Max. &c.*

After

After the obtaining any such remarkable Advantage, the General commonly gave the Senate an account of the Exploit, by Letters * *Litteræ* wreathed about with Laurel *, In which, *Laureata*, after an account of his Success, he desir'd the favour of a *Supplication*, or Publick Thanksgiving.

This being granted for a set number of Days, the Senate went in a solemn manner to the chief Temples, and assisted at the Sacrifices proper to the occasion; holding a Feast in the Temples, to the Honour of the respective Deities. Hence *Servius* explains that of *Virgil*.

— *Simul Divum Templis indicit honorem.* *Æn.* 1.

As alluding to a solemn *Supplication*.

In the mean time, the whole Body of the Commonalty kept Holy-day, and frequented the Religious Assemblies; giving Thanks for the late Success, and imploring a long continuance of the Divine Favour and Assistance.

Octavius Cæsar, together with the Consuls, *Hirtius* and *Pansa*, upon their raising the Siege of *Mutina*, were honour'd with a *Supplication* fifty Days long.

At last this Ceremony became Ridiculous; as appears from the *Supplications* decreed *Nero* for the Murder of his Mother, and for the fruitfulness of *Poppæa*, of which we read in *Tacitus*.

The

The *Ovation* some fancies to have deriv'd it's Name from shouting *Evion!* To *Bacchus*; but the true Original is *Ovis*, the Sheep, which was usually offer'd in this Procession, as an Ox in the Triumph. The Show generally began at the *Albanian* Mountain, whence the General, with his Retinue, made his Entry into the City: He went on foot, with many Flutes, or Pipes, sounding in Consonance as he pass'd along, wearing a Garland of Myrtle as a Token of Peace, with an Aspect rather raising Love and Respect, than Fear. *Agellius* informs us, that this Honour was then conferred on the Victor, when either the War had not been proclaim'd in due method, or not undertaken against a lawful Enemy, and on a just account; or when the Enemy was but mean and inconsiderable (a). But *Plutarch* has deliver'd his Judgment in a different manner: He believes that heretofore the difference betwixt the *Ovation* and the *Triumph*, was not taken from the Greatness of the Achievements, but from the manner of performing them: For they who having fought a set Battle, and slain a great number of the Enemy, return'd Victors, led that Martial and (as it were) Cruel Procession of the Triumph. But those who without force, by Benevolence and civil Behaviour, had done the Business, and prevented the shedding of Human Blood; to these Commanders Custom gave the Honour of this peaceable *Ovation*. For a Pipe is the Ensign, or Badge, of Peace, and Myrtle the Tree of *Venus*, who beyond any of the other Deities, has an extreme aversion to Violence and War (b).

But whatever other difference there lay between these two Solemnities, we are assur'd the Triumph was much the more noble and splendid Procession. None were capable of this Honour but *Dictators*, *Consuls*, or *Prætors*; though we find some Examples of a different practice; as particularly in *Pompey the Great*, who had a Triumph decreed him while he was only a Roman Knight, and had not yet reach'd the Senatorian Age (c).

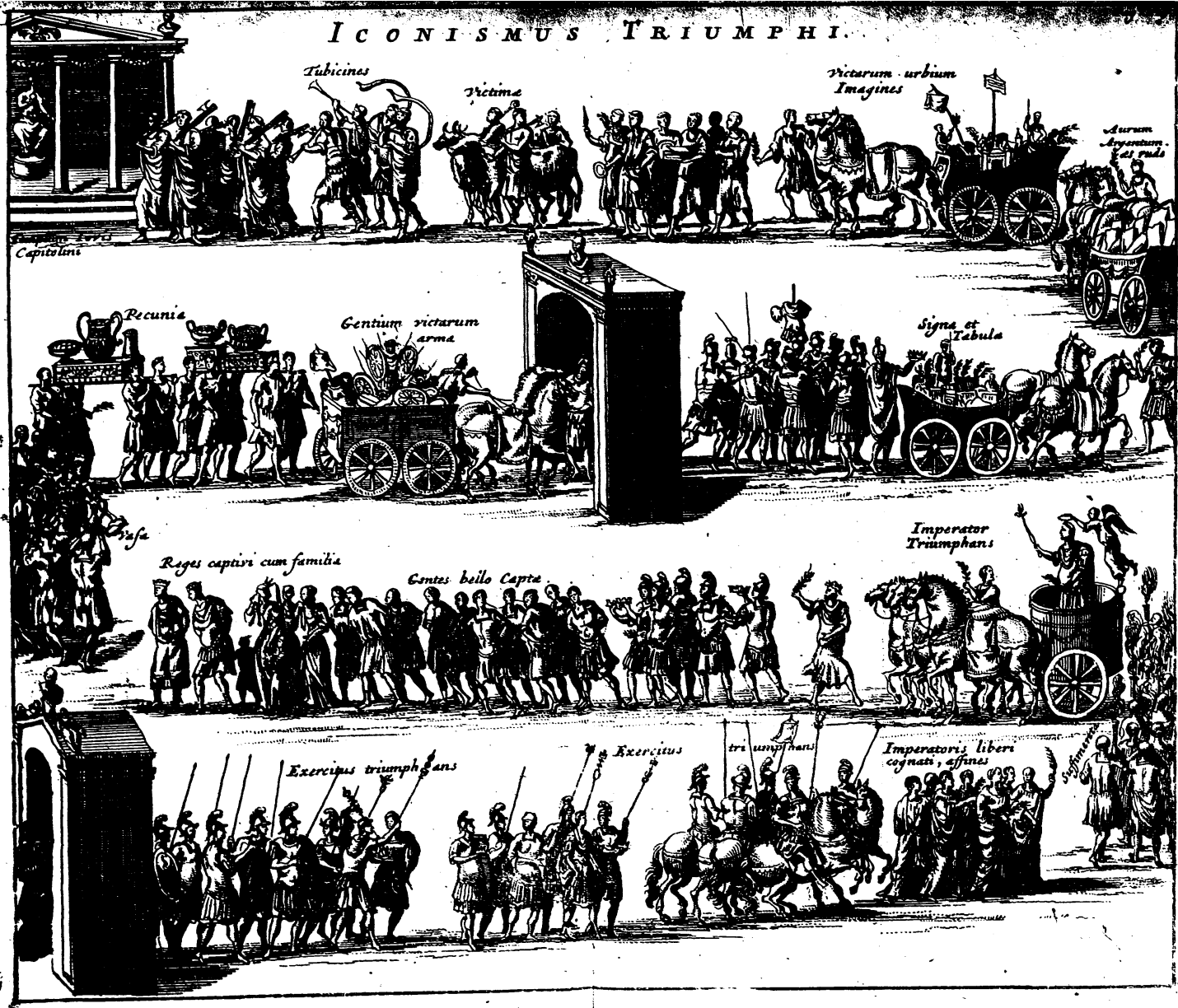
A regular account of the Proceedings at one of these Solemnities, will give us a better knowledge of the matter, than a larger disquisition about the several Parts and Appendages, that belong'd to it: And this the excellent *Plutarch* has favoured us with, his Description of *Paulus Æmilius's* Triumph, after the taking King *Perseus* Prisoner, and putting a final period to the *Macedonian* Empire. This must be own'd to be the most glorious occasion imaginable; and therefore we may expect the most compleat

(a) *Noët. Att. lib. 5. cap. 6.* (b) *Plut. in Marcell.* (c) *Plut. in Pomp. Relation.*

Relation that can possibly be desir'd. The Ceremony then of *Æmylius's* Triumph, was perform'd after this manner:

The People erected Scaffolds in the *Forum*, and the *Circo's*, and in all other Parts of the City where they cou'd best behold the Pomp. The Spectators were clad in white Garments; all the Temples were open, and full of Garlands and Perfumes; the Ways clear'd and cleans'd by a great many Officers and Tipstaffs, that drove such as throng'd the Passage, or straggled up-and-down. This Triumph lasted three Days: On the first, which was scarce long enough for the Sight, was to be seen the Statues, Pictures and Images of an extraordinary bigness, which were taken from the Enemy, drawn upon Seven hundred and fifty Chariots. On the second was carried, in a great many Wains, the fairest and the richest Armour of the *Macedonians*, both of Brass and Steel, all newly furbish'd and glittering; which although pil'd up with the greatest Art and Order, yet seem'd to be tumbled on heaps carelessly and by chance; Helmets were thrown on Shields, Coats of Mail upon Greaves, *Crestian* Targets, and *Thracian* Bucklers and Quivers of Arrows lay huddled among the Horses Bits; and through these appear'd the Points of naked Swords, intermix'd with long Spears. All these Arms were ty'd together with such a just liberty, that they knock'd against one another as they were drawn along, and made a harsh and terrible noise; so that the very Spoils of the Conquer'd cou'd not be beheld without dread. After these Waggons loaden with Armour, there follow'd Three thousand Men, who carried the Silver that was coin'd, in Seven hundred and fifty Vessels, each of which weigh'd three Talents, and was carried by four Men. Others brought Silver-Bowls, and Goblets, and Cups, all dispos'd in such order as to make the best Show; and all valuable, as well for their bigness, as the thickness of their engraved Work. On the third Day, early in the Morning, first came the Trumpeters, who did not sound as they were wont in a Procession or solemn Entry, but such a Charge as the *Romans* use when they encourage their Soldiers to fight. Next follow'd young Men girt about with Girdles curiously wrought, which led to the Sacrifice Sixscore stall'd Oxen, with their Horns gilded, and their Heads adorn'd with Ribbands and Garlands; and with these were Boys that carried Platters of Silver and Gold. After this was brought the Gold Coin, which was divided into Vessels that weigh'd three Talents, like to those that contain'd the Silver; they were in
number

ICONISMUS TRIUMPHI.



number Fourſcore wanting three. Theſe were follow'd by thoſe that brought the conſecrated Bowl, which *Amylius* cauſed to be made, that weigh'd ten Talents, and was all beſet with precious Stones: Then were expoſ'd to view the Cups of *Antigonus* and *Seleucus*, and ſuch as were made after the faſhion invented by *Thericles*, and all the Gold-Plate that was uſ'd at *Perſeus's* Table. Next to theſe, came *Perſeus's* Chariot, in the which his Armour was plac'd, and on that his Diadem: And, after a little intermiſſion, the King's Children were led Captives, and with them a Train of Nurſes, Maſters, and Governours, who all wept, and ſtretch'd forth their Hands to the Spectators, and taught the little Infants to beg and entreat their Compaſſion. There were two Sons and a Daughter, who by reaſon of their tender Age, were altogether intenable of the greatneſs of their Miſery; which ſenſibility of their Condition, render'd it much more deplorable; inſomuch, that *Perſeus* himſelf was ſcarce regarded as he went along, whiſt Pity had fix'd the Eyes of the *Romans* upon the Infants, and many of them cou'd not forbear Tears: All beheld the Sight with a mixture of Sorrow and Joy, until the Children were paſt. After his Children and their Attendants came *Perſeus* himſelf, clad all in black, and wearing Slippers after the faſhion of his Country: He look'd like one altogether aſtoniſh'd and depriv'd of Reaſon, through the greatneſs of his Miſfortunes. Next follow'd a great Company of his Friends and Familiars, whoſe Countenances were diſfigur'd with Grief, and who teſtified to all that beheld them by their Tears, and their continual looking upon *Perſeus*, that it was his hard Fortune they ſo much lamented, and that they were regardleſs of their own.----- After theſe were carried Four hundred Crowns all made of Gold, and ſent from the Cities by their reſpective Ambaſſadors to *Amylius*, as a Reward due to his Valour. Then he himſelf came ſeated on a Chariot magnificently adorn'd (a Man worthy to be beheld even without theſe Enſigns of Power;) He was clad in a Garment of Purple interwoven with Gold, and held out a Laurel-Branch in his Right-hand. All the Army in like manner, with Boughs of Laurel in their Hands, divided into Bands and Companies, follow'd the Chariot of their Commander, ſome ſinging Odes (according to the uſual Cuſtom) mingled with Raillery; others, Songs of Triumph, and the Praises of *Amylius's* Deeds, who was admir'd, and accounted happy by all Men, and unenvy'd by every one that was good.

There was one remarkable Addition to this Solemnity, which, though it seldom happen'd, yet ought not to escape our notice: This was when the *Roman* General had, in any Engagement, kill'd the Chief Commander of the Enemy with his own Hands; for then, in the Triumphal Pomp, the Arms of the slain Captain were carried before the Victor, decently hanging on the Stock of an Oak, and so composing a Trophy. In this manner the Procession was led on to the Temple of *Jupiter Feretrius* (so call'd *a feriendo*); and there the General making a formal Dedication of his Spoils (the *Spolia opima*, as they term'd them) hung them up in the Temple. The first who perform'd this Gallant piece of Religion, was *Romulus*, when he had slain *Acron*, King of the *Caninenfes*; the second *Cornelius Cossus*, with the Arms of *Tolumnius*, a General of the *Vesentes*; the third and last *M. Marcellus*, with those taken from *Viridomarus*, King of the *Gauls*; whence *Virgil* says of him, *Eneid.* 6.

Tertiaque arma patri suspendet capta Quirino.

Where *Quirino* must be understood only as an Epithet applied to *Jupiter*, as denoting his Authority and Power in War; as the same Word is attributed to *Janus*, by *Horace* and *Sueton*. Therefore *Servius* is most certainly guilty of a Mistake, when he tells us, that the first Spoils of this nature were, according to *Numa's* Laws, to be presented to *Jupiter*; the second to *Mars*; and the third to *Quirinus*, or *Romulus*; for that Decree of *Numa* only took place, if the same Person had the good Fortune to take these Spoils three times; but we are assur'd, that not only *Romulus*, but *Cossus* and *Marcellus* too all made the Dedication to *Jupiter*.

The Admirers of the *Roman* Magnificence will be infinitely pleas'd with the Relation already given from *Plutarch* of the Triumphal Pomp: While others, who fantasie that People to have been possess'd with a strange measure of vain-glory, and attribute all their Military State and Grandeur to an ambitious Ostentation, will be much better satisfied with the satyrical Account which *Juvenal* furnishes us with, in his Tenth Satyr. He is saying, that *Democritus* found subject enough for a continual Fit of Laughter, in places where there was no such formal Pageantry, as is commonly to be seen in *Rome*; and then he goes on:

Quid

*Quid si vidisset Prætores curribus altis
Extantem, & medio sublimem in pulvere Circi
In tunica Jovis, & pictæ Sarrana ferentem
Ex humeris aulea toga, magnæque corona
Tantum orbem quanto cervix non sufficit ulla?
Quippe tenet sudans hanc publicus, & sibi Consul
Ni placeat, curru servus portatur eodem.
Da nunc & volucrum, Sceptro quæ surgit eburno,
Illiuc Cornicines, hinc præcedentia longi
Agminis officia, & niveos ad fræna Quirites,
Defossa in oculis, quos sportula fecit amicos.*

What had he done, had he beheld on high
Our Consul seated in mock-Majesty:
His Chariot rousing o'er the dusty Place,
While with dumb Pride, and a set formal Face,
He moves in the dull ceremonial Track,
With *Jove's* embroider'd Coat upon his Back:
A Suit of Hangings had not more oppress'd
His Shoulders, than that long laborious Vest.
A heavy Gewgaw (call'd a Crown) that spread
About his Temples, drown'd his narrow Head;
And would have crush'd it with the massie Freight,
But that a sweating Slave sustain'd the weight:
A Slave in the same Chariot seen to ride,
To mortifie the mighty Mad-man's Pride.
Add now the Imperial Eagle rais'd on high,
With golden Beak (the Mark of Majesty)
Trumpets before, and on the left and right
A Cavalcade of Nobles all in white;
In their own Natures false and flattering Tribes;
But made his Friends by Places and by Bribes.

Q 3

C H A P.

C H A P. XVII.

The Roman Way of declaring War, and of making Leagues.

THE Romans us'd abundance of Superstition in entering upon any Hostility, or closing in any League, or Confederacy: The Publick Ministers who perform'd the Ceremonial Part of both these were the *Feciales*, or Heralds, already describ'd among the Priests; nothing remains, but the Ceremonies themselves, which were of this nature: When any neighbouring State had given sufficient reason for the *Senate* to suspect a Design of breaking with them; or had offer'd any Violence or Injustice to the Subjects of *Rome*, which was enough to give them the repute of Enemies; one of the *Feciales*, choien out of the College on this occasion, and habited in the Vest belonging to his Order, together with his other Ensigns and Habiliments, set forward for the Enemy's Country. As soon as he reach'd the Confines, he pronounc'd a formal Declaration of the cause of his arrival, calling all the Gods to witness, and imprecating the Divine Vengeance on himself and his Country, if his Reasons were not just. When he came to the chief City of the Enemy, he again repeated the same Declaration, with some addition, and withal desired satisfaction. If they deliver'd into his Power the Authors of the Injury, or gave Hostages for security, he return'd satisfied to *Rome*; if, otherwise they desired time to consider, he went away for ten Days, and then came again to hear their Resolution. And this he did, in some cases, three times: But if nothing was done toward an Accommodation in about thirty Days, he declar'd that the *Romans* wou'd endeavour to assert their Right by their Arms. After this, the Herald was oblig'd to return, and to make a true Report of his Ambassie before the *Senate*, assuring them of the Legality of the War, which they were now consulting to undertake; and was then again dispatch'd to perform the last part of the Ceremony, which was to throw a Spear into (or towards) the Enemy's Country, in token of Defiance, and as a Summons to War, pronouncing at the same time a set Form of Words to the same purpose.

As to the making of Leagues, *Polybius* acquaints us, That the Ratification of the Articles of an Agreement between the *Romans* and

and the *Carthaginians*, was perform'd in this manner: The *Carthaginians* swore by the Gods of their Country; and the *Romans* after their ancient Custom, swore by a Stone, and then by *Mars*. They swore by a Stone thus: The Herald who took the Oath having sworn in behalf of the Publick, takes up a Stone, and then pronounces these Words:

If I keep my Faith, may the Gods vouchsafe their Assistance, and give me success; if on the contrary, I violate it, then may the other Party be entirely safe, and preserved in their Country, in their Laws, in their Possessions, and in a word, in all their Rights and Liberties; and may I perish and fall alone as now this Stone does. And then he lets the Stone fall out of his Hands (a).

Livy's account of the like Ceremony is something more particular; yet differs little in substance, only that he says the Herald's concluding Clause was, *Otherwise may Jove strike the Roman People as I do this Hog*; and accordingly he kill'd an Hog that stood ready by, with the Stone which he held in his Hand. This last Opinion is confirm'd by the Authority of *Virgil*, when speaking of the *Romans* and *Albanians*, he says,

—*Et caesa jungebant fœdera Porcâ.*

And perhaps both these Customs might be in use at different times.

(a) *Polyb.* lib. 3.

C H A P. XVIII.

The Roman Method of treating the People they conquer'd; with the Constitution of the Colonia, Municipia, Præfecturæ, and Provinces.

THE civil Usage and extraordinary Favours with which the *Romans* oblig'd the poor conquer'd Nations, has been reasonably esteem'd one of the prime Causes of the extent of their Dominions, and the establishment of their Command: Yet when they saw occasion, they were not to seek in severer Methods, such as the seizing on the greatest part of the Enemy's Land, or removing the Natives to another Soil. If a State or People had been necessitated to surrender themselves into the *Roman* Power, they us'd *sub jugum mitti*, to be made pass under a Yoak in token of Subjection: For this purpose, they set up two Spears, and laying a third cross them at the top, order'd those who had surrender'd their Persons to go under them without Arms or Belts. Those who could not be brought to deliver themselves up, but were taken by force, as they suffer'd several Penalties, so very often *sub corona venibant*, they were publicly sold for Slaves. Where by *Corona* some understand a sort of Chaplets which they put about the Captives Heads for distinction; others would have it mean the Ring of the *Roman* Soldiers, who stood round the Captives while they were expos'd to sale. *Agellius* prefers the former reason (a).

The several Forms of Government which the *Romans* established in their Conquests, are very well worth our knowledge, and are seldom rightly distinguish'd. We may take notice of these Four: Colonies, Municipia, Præfecturæ, and Provinces.

Colonies (properly speaking) were States, or Communities, where the chief part of the Inhabitants had been transplanted from *Rome*: and though mingled with the Natives who had been left in the conquer'd Place, yet obtain'd the whole Power and Authority in the Administration of Affairs. One great Advan-

(a) Lib. 7. cap. 4.

tage of this Institution was, That by this means the Veteran Soldiers, who had serv'd out their Legal time, and had spent their Vigour in the Honour and Defence of their Country, might be favour'd with a very agreeable Reward, by forming them into a Colony, and sending them where they might be Masters of large Possessions, and so lead the remainder of their Days in ease and plenty.

Municipia, were properly Corporations, or Infranchis'd Places, where the Natives were allow'd the use of their old Laws and Constitutions, and at the same time honour'd with the Privilege of *Roman* Citizens. But then this Privilege, in some of the *Municipia*, reach'd no farther than the bare Title, without the proper Rights of Citizens; such as voting in the Assemblies, bearing Offices in the City, and the like. The former Honour gave them the Name of *Cives Romani*, the other only of *Romani*; as *P. Manutius* with his usual exactness has distinguish'd (a). Of this latter sort, the first Example were the *Carites*, a People of *Tuscany*, who for preserving the sacred Relicks of the *Romans*, when the *Gauls* had taken the City, were afterwards dignified with the Name of *Roman* Citizens; but not admitted into any part of the Publick Administration. Hence the *Censors* Tables, where they entred the Names of such Persons as for some Misdemeanour, were to lose their Right of Suffrage, had the Name of *Carites Tabule* (b).

The *Præfecture* were certain Towns of *Italy*, whose Inhabitants had the Name of *Roman* Citizens; but were neither allow'd to enjoy their own Laws nor Magistrates, being govern'd by annual *Præfects* sent from *Rome*. These were generally such Places as were either suspected, or had some way or other incur'd the Displeasure of the *Roman* State; this being accounted the hardest Condition that was impos'd on any People of *Italy* (c).

The differences between the proper Citizens of *Rome*, and the Inhabitants of the *Municipia*, Colonies and *Præfecturæ* may be thus in short summ'd up. The first and highest Order were registred in the *Census*, had the right of Suffrage and of bearing Honours, were assess'd in the Poll-tax, serv'd in the Legions, us'd the *Roman* Laws and Religion, and were call'd *Quirites* and *Populus Romanus*. The *Municipes* were allow'd the four first of these Marks, and were deny'd the four last. The *Coloni* were in these three respects like the true Citizens, that they us'd the Ro-

(a) *De Civitat. Rom.* p. 29. (b) *A Gell. lib. 15. cap. 13.* (c) *Calv. Lexicon Juridic. in voce.*

man Laws and Religion, and serv'd in the Legions; but they were debarr'd the other five Conditions. The People in the *Præfecturæ* had the hardest measure of all; being oblig'd to submit to the *Roman* Laws, and yet enjoying no farther privilege of Citizens (a).

All other Cities and States in *Italy*, which were neither *Coloniæ*, *Municipia*, nor *Præfecturæ*, had the Name of *Fœderatæ Civitates*, enjoying entirely their own Customs and Forms of Government without the least alteration, and only join'd in confederacy with the *Romans*, upon such terms as had been adjusted between them (b).

The Provinces were foreign Countries of larger extent, which, upon the entire reducing them under the *Roman* Dominion, were new modell'd according to the Pleasure of the Conquerours, and subjected to the Command of annual Governours sent from *Rome*, being commonly assign'd such Taxes and Contributions as the Senate thought fit to demand. But because the several Towns and Communities in every Country did not behave themselves in the same manner toward the *Romans*, some professing more Friendship, and a Desire of Union and Agreement; while others were more obstinate and refractory, and unwilling to part with their old Liberty upon any terms; therefore to reward those People who serv'd well at their hands, they allow'd some Places the use of their own Constitutions in many respects, and sometimes excus'd the Inhabitants from paying Tribute; whence they were term'd *Immunes*, in opposition to the *Vestigales*.

The Tribute exacted from the Provinces, was of two sorts, either certain or uncertain. The certain Tribute, or *Stipendium*, was either a set Summ of Money to be collected by the Provincial *Quæstor*, which they call'd *pecunia ordinaria*; or else a Subsidy rais'd on the Provincials for particular occasions, such as the maintaining of so many Soldiers, the rigging out, and paying such a number of Vessels, and the like, term'd *pecunia extraordinaria*.

The uncertain Tribute consisted of what they call'd *Portorium*, *Scriptura*, and *Decuma*. The *Portorium* was a Duty impos'd upon all Goods and Wares, imported and exported.

The *Scriptura* was a Tax laid upon Pastures and Cattel.

The *Decuma* was the quantity of Corn which the Farmers were oblig'd to pay to the *Roman* State, commonly the tenth part of their Crop. But besides this, which they properly term'd

(a) Vid. *P. Manut. de Civ. Rom.* p. 30. (b) *Ibid.*

Frumentum Decumanum, and which was farm'd by the Publicans, hence call'd *Decumani*, there was the *Frumentum emptum*, and *Frumentum æstimatum*, both taken up in the Provinces. The *Frumentum emptum* was of two sorts, either *decumanum*, or *imperatum*; the former was another Tenth paid upon the consideration of such a Summ, as the Senate had determin'd to be the price of it, who rated it so much a Bushel at their pleasure. The *Frumentum imperatum*, was a quantity of Corn equally exacted of the Provincial Farmers after the two Tenths, at such a price as the chief Magistrate pleas'd to give. *Frumentum æstimatum*, was a Corn-Tax requir'd by the Chief Magistrate of the Province for his private Use, and the Occasions of his Family. This was commonly compounded for in Money, and on that account, took its Name *ab æstimando*, from rating it at such a Summ of Money.

Besides all these, *Sigonius* mentions *Frumentum honorarium* upon the Authority of *Cicero*, in his Oration against *Piso*: But perhaps *Cicero* in that place, does not restrain the *Honorarium* to Corn, but may mean, in general, the Present usually made to the Provincial Governours, soon after their entrance on their Office.

After *Augustus* had made a Division of the Provinces between himself and the People, the annual Taxes paid by the Provinces under the Emperour, were call'd *Stipendia*; and those which were gather'd in the peoples Provinces, *Tributa* (a).

(a) *Calvin. Lexicon Jurid. in Tributa.*

C H A P. XIX.

The Roman Way of Taking Towns; with the most remarkable Inventions and Engines made use of in their Sieges.

BEFORE we enquire into this Subject, a very memorable Custom presents it self to our notice, which was always practis'd, as soon as the Roman Army invested any Town; and that was the *evocatio Deorum tutelarium*, or the inviting out the Guardian Deities: The reason of which seems to have been, either because they thought it impossible to force any Place, while it enjoy'd such powerful Defenders; or else, because they accounted it a most heinous act of Impiety, to act in Hostility against the Persons of the Gods. This Custom is describ'd at large by *Macrobius*, in his *Saturnalia*, lib. 3. cap. 9.

The Romans were seldom desirous of attempting any Town by way of Siege, because they thought it would scarce answer the Expence and Incommodity of the Method; so that this was generally their last Hopes; and in all their great Wars, there are very few Examples of any long Leagues undertook by them. The means by which they possess'd themselves of any important Places, were commonly either by Storm or Surrendry. If they took a Town by Storm, it was either by open force, or by stratagem. In the former, they made their Attacks without battering the Wall, and were only said *aggredi Urbem cum corona*, to besiege a Town; because they drew their whole Army round the Walls, and fell on in all Quarters at once. If this Way was ineffectual, they batter'd down the Walls with their Rams and other Engines. Sometimes they min'd, and entered the Town under-ground: Sometimes, that they might engage with the Enemy upon equal terms, they built wooden Towers, or rais'd Mounts to the height of the Walls, from whence they might gall and molest them within their Works. The Besieged were in most danger in the first case, upon a general Assault; for their Walls were to be made good in all places at once; and it fell out many times, that there were not Men enough to supply and relieve all the Parts; and if they had a sufficient number of Men, yet perhaps all were not of an equal Courage; and if any gave ground, the whole Town was

was in a great hazard of being lost: So that the Romans oftentimes carried very considerable Places at one Storm. But if they batter'd the Walls with Engines, they were under some disadvantage, their Quarters being of necessity to be extended, so that they must be thinner and weaker in some places than in others, and unable to make a stout opposition against any considerable Sally. Besides, the Besieged were not at a loss for ways of defeating their Stratagems; as, they eluded the Force of their Mines by Countermining, or by disturbing them in their Works; particularly putting Oil and Feathers, with other stinking Stuff, into Barrels of Wood, and then setting them on fire, they tumbled them among the Romans, that the noisomeness of the Stench might force them to quit their Stations. Their Towers of Wood, their Rams and other Engines, they commonly set on fire, and destroy'd, and then for the Mounts which were rais'd against the Walls, they us'd, by digging underneath, to steal away the Earth, and loosen the Foundations of the Mount till it fell to the ground.

Upon this account, the Romans (as was before observ'd) much preferr'd the sudden and brisk way of attacking a Place; and if they did not carry it in a very little time, they frequently rais'd the Siege, and prosecuted the War by other means. As *Scipio* in his African Expedition, having assaulted *Utica* without success, he chang'd his Resolution, drew off his Men from the Place, and address'd himself wholly to bring the Carthaginian Army to an Engagement: And therefore, though sometimes they continu'd a tedious Siege, as at *Veii*, *Carthage*, and *Jerusalem*, yet generally they were much more desirous of drawing the Enemy to a Battel; for by defeating an Army, they many times got a whole Kingdom in a day; whereas an obstinate Town has cost them several Years.

See Machiavel's Art of WAR, Book II.

The Inventions and Engines which the Romans made use of in the ir Sieges were very numerous, and the Knowledge of them is but of little Service at present; however we may take a short view of the most considerable of them, and which most frequently occur in *Cesar* and other Historians: These are the *Turres mobiles*, the *Testudines*, the *Musculus*, the *Vinea*, and the *Plutei*, together with the *Aries*, the *Balista*, the *Catapulta*, and the *Scorpio*.

The

The *Turres mobiles*, or moveable Turrets, were of two sorts, the lesser and the greater : The lesser sort were about sixty Cubits high, and the square sides seventeen Cubits broad ; they had five or six, and sometimes ten Stories or Divisions, every Division being made open on all sides. The greater Turret was 120 Cubits high, 23 Cubits square ; containing sometimes fifteen, sometimes twenty Divisions. They were of very great use in making approaches to the Walls, the Divisions being able to carry Soldiers with Engines, Ladders, Casting Bridges, and other Necessaries. The Wheels on which they went were contriv'd to be within the Planks, to defend them from the Enemy, and the Men who were to drive them forward stood behind, where they were most secure ; the Soldiers in the inside were protected by raw Hides which were thrown over the Turret, in such places as were most expos'd.

The *Testudo* was, properly a Figure which the Soldiers cast themselves into ; so that their Targets should close all together above their Heads, and defend them from the missive Weapons of the Enemy ; as if we suppose the first rank to have stood upright on their Feet, and the rest to have stoop'd lower and lower by degrees till the last Rank kneel'd down on their Knees ; so that every Rank covering with their Target the Heads of all in the Rank before them, they represented a Tortoise-shell, or a sort of Pent-house. This was us'd as well in Field-Battles as in Sieges. But besides this, the Romans call'd in general all their cover'd defensive Engines, *Testudines* : Among which, those which most properly obtain'd the Name, seem'd to have been almost of an oval Figure compos'd of Boards, and wadded up at the sides with Wicker ; serving for the conveyance of the Soldiers near the Walls, on several occasions ; they run upon Wheels, and so were distinguish'd from the *Vinea*, with which they are sometimes confounded.

The *Musculus* is conceiv'd to have been much of the same nature as the *Testudines* ; but it seems to have been of a small size, and compos'd of stronger Materials, being expos'd a much longer time to the force of the Enemy ; for in these *Musculi* the Pioneers were sent to the very Walls, where they were to continue, while with their *Dolabrae*, or Pick-Axes, and other Instruments, they endeavour'd to undermine the Foundations. Caesar has describ'd the *Musculus* at large in his second Book of the Civil Wars.

The *Vinea* were compos'd of Wicker-Hurdles laid for a Roof on the top of Posts which the Soldiers, who went under it for Shelter,

Shelter, bore up with their Hands. Some will have them to have been contriv'd with a double Roof ; the first and lower Roof of Planks, and the upper Roof of Hurdles to break the force of any Blow without disordering the Machine.

The *Plutei* consisted of the same Materials as the former, but were of a much different Figure, being shap'd like an arched sort of Waggon ; and having three Wheels, so conveniently placed, that the Machine would move either way with equal ease. They were put much to the same Uses as the *Musculi*.

The Engines hitherto describ'd were primarily intended for the defence of the Soldiers ; the Offensive are yet behind. Of these the most celebrated, and which only deserves a particular Description, was the *Aries* or Ram : This was of two sorts, the one rude and plain, the other artificial and compound. The former seems to have been no more than a great Beam which the Soldiers bore on their Arms and Shoulders, and with one end of it by main force assail'd the Wall. The compound Ram is thus describ'd by *Josephus* : ' The Ram (says he) is a vast long Beam, like ' the Mast of a Ship, strengthen'd at one end with a Head of ' Iron, something resembling that of a Ram, whence it took it's ' Name. This is hang'd by the midst with Ropes to another ' Beam, which lies cross a couple of Posts, and hanging thus ' equally balanc'd, it is by a great number of Men violently ' thrust forward, and recoil'd backward, and so shakes the Wall ' with it's Iron Head. Nor is there any Tower or Wall so thick ' or strong, that after the first Assault of the Ram, can afterwards ' resist it's force in the repeated Assaults (a).

Plutarch informs us that *Mark Antony* in the *Parthian War* made use of a Ram fourscore Foot long : And *Vitruvius* tells us, That they were sometimes 106, sometimes 120 Foot in length ; and to this perhaps the force and strength of the Engine was in a great measure owing. The Ram was manag'd at one time by a whole Century or Order of Soldiers ; and they being spent were seconded by another Century ; so that it play'd continually without any intermission, being usually cover'd with a *Vinea*, to protect it from the Attempts of the Enemy.

As for the other Engines, which served not for such great uses, and are not so celebrated in Authors, a mechanical Description of them would be vexatious as well as needless : Only it may in short be observ'd, That the *Balista* was always em-

(a) *Flav. Joseph. de Excidio Hierosolym. lib. 3.*

ploy'd in throwing great Stones, the *Catapulta* in casting the larger sort of Darts and Spears, and the *Scorpio* in sending the lesser Darts and Arrows.

C H A P. XX.

The Naval Affairs of the Romans.

THE *Romans*, tho' their City was seated very conveniently for Maritime Affairs, not being above fifteen Miles distant from the *Tyrrhenian Sea*; and having the River *Tyber* running through it, capable of receiving the smaller Vessels; yet seem to have wholly neglected all Naval Concerns for many Years after the building of *Rome*. And some are willing to assign this as one of the main Causes which preserv'd that State so long in it's primitive Innocence and Integrity; free from all those Corruptions which an intercourse with Foreigners might probably have brought into fashion. However *Dionysius* assures us, that *Ancus Martius* built *Ostia* at the Mouth of the *Tyber* for a Port, that the City might by this means be supplied with the Commodities of the neighbouring Nations (a). And it appears from the Reasons of the *Tarentine War* agreed upon by all Historians, that the *Romans* in that Age had a Fleet at Sea. Yet *Polybius* expressly maintains, that the first time they ever adventured to Sea was in the first *Punic War* (b); but he must either mean this only of Ships of War, or else contradict himself: For in another part of his Works, giving us a Transcript of some Articles agreed on between the *Romans* and the *Carthaginians* in the Consulship of *M. Brutus* and *Horatius*, soon after the Expulsion of the Royal Family; one of the Articles is to this effect, *That the Romans, and the Allies of the Romans, shall not navigate beyond the Fair Promontory, unless constrain'd by Weather, or an Enemy &c.* And after this, in two other Treaties, which he has presented us with, there are several Clauses to the same purpose (c). But howsoever these matters are to be adjusted, we are assur'd, that about the Year of the City 492 (d). The *Romans* observing that the Coast

(a) *Dionys. Halic. lib. 3.* (b) *Lib. 1.* (c) *Polyb. Lib. 3.* (d) *Cassan. Chronolog. ad. Polyb.*

of

of *Italy* lay expos'd to the Depredations of the *Carthaginian Fleet*, which often made Descents upon them; and considering withal, that the War was likely to last, they determin'd to render themselves Masters of a Naval Army. So wonderful was the Bravery and Resolution of that People in Enterprizes of the greatest hazard and moment; that having hitherto scarce dream'd of Navigation, they should at one heat, resolve on so adventurous an Expedition, and make the first proof of their Skill in a Naval Battle with the *Carthaginians*, who had held the Dominion of the Sea uncontested, deriv'd down to them from their Ancestors. Nay, so utterly ignorant were the *Romans* in the Art of Ship-building, that it would have been almost impossible for them to have put their design in effect, had not Fortune, who always espous'd their Cause, by a meer Accident instructed them in the method. For a *Carthaginian Galley*, which was out a cruising, venturing too near the Shoar, chanc'd to be stranded, and before they could get her off, the *Romans* intercepting them, took her; and by the Model of this Galley, they built their first Fleet. But their way of instructing their Seamen in the use of the Oar, is no less remarkable, wherein they proceeded after this manner: They caus'd Banks to be contriv'd on the Shore in the same fashion and Order as they were to be in their Gallies, and placing their Men with their Oars upon the Banks, there they exercis'd them: An Officer for that purpose, being seated in the midst, who by Signs with his Hand instructed them how at once and all together they were to dip their Oars, and how in like manner to recover them out of the Water: And by this means, they became acquainted with the management of the Oar. But in a little time, finding their Vessels were not built with extraordinary Art, and consequently prov'd somewhat unweildly in working, it came into their Heads to recompence this Defect, by contriving some new Invention, which might be of use to them in Fight. And then it was that they devis'd the famous Machine call'd the *Corvus*; which was fram'd after the following manner: They erected on the Prow of their Vessels, a round piece of Timber, of about a Foot and an half diameter, and about twelve Foot long; on the top whereof, they had a Block or Pulley: Round this piece of Timber, they laid a Stage or Platform of Boards, four Foot broad, and about eighteen Foot long, which was well fram'd, and fasten'd with Iron. The entrance was long-ways, and it mov'd about the aforesaid upright piece of Timber, as on a Spindle, and could be hoisted up within six Foot of the top: About this was a sort of a Par-

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pet,

pet, Knee high, which was defended with upright Bars of Iron, sharpen'd at the ends; toward the top whereof there was a Ring; through this Ring, fastening a Rope, by the help of the Pulley, they hoisted or lowred the Engine at pleasure; and so with it attack'd the Enemies Vessels, sometimes on their Bow, and sometimes on their Broad-side, as occasion best serv'd. When they had grappled the Enemy with those Iron-Spikes, if they happen'd to swing Broad-side to Broad-side, then they enter'd from all parts; but in case they attack'd them on the Bow, they enter'd two and two by the help of this Machine, the foremost defending the fore-part, and those that follow'd the Flanks, keeping the Bos of their Bucklers level with the top of the Parapet.

To this purpose *Polybius* (according to the late most excellent Version) gives us an account of the first Warlike Preparations, which the *Romans* made by Sea. We may add, in short, the Order which they observ'd in drawing up their Fleet for Battel, taken from the same Author. The two Consuls were in the two Admiral Gallies in the Front of their two distinct Squadrons, each of them just a-head of their own Divisions, and abreast of each other; the first Fleet being posted on the Right, the second on the Left, making two long Files or Lines of Battel. And whereas it was necessary to give a due space between each Galley, to ply their Oars, and keep clear one of another, and to have their Heads or Prows looking somewhat outwards; this manner of drawing up, did therefore naturally form an Angle, the point whereof was at the two Admiral-Galleys, which were near together; and as their two Lines were prolong'd, so the distance grew consequently wider and wider towards the Rear. But because the Naval as well as the Land-Army consisted of four Legions, and accordingly the Ships made four Divisions, two of these are yet behind: Of which the third Fleet, or the third Legion, was drawn up Front-ways in the Rear of the first and second, and so stretching along from point to point compos'd a Triangle, whereof the third Line was the Base. Their Vessels of Burden, that carried their Horses and Baggage, were in the Rear of these; and were by the help of small Boats provided for that purpose, towed or drawn after them. In the Rear of all, was the fourth Fleet, call'd the *Triarii*, drawn up likewise in Rank or Front-ways parallel to the third: But this made a longer Line, by which means the Extremities stretch'd out, and extended beyond the two Angles at the Base. The several Divisions of the Army being thus dispos'd form'd, as is said, a Triangle; The Area within was void, but the Base was thick and solid,

lid, and the whole Body quick, active, and very difficult to be broken.

If we descend to a particular Description of the several sorts of Ships; we meet commonly with three kinds, Ships of War, Ships of Burden, and Ships of Passage: The first for the most part rowed with Oars; the second steer'd with Sails; and the last often towed with Ropes. Ships of Passage were either for the Transportation of Men, such as the *βαλίστρων* or *σταλίσσίδες*; or of Horses, as the *Hippagines*. The Ships of Burden, which the *Roman* Authors call *Naves onerarie*, and the *Grecian* *οχημαί*, and *δρακόνες*, (whence the Name of our *Hulks* may probably be deriv'd) serv'd for the conveyance of Victuals and other Provisions, and sometimes too for the carrying over Soldiers, as we find in *Cæsar*. Of the Ships of War, the most considerable, were the *Naves longæ*, or Gallies, so nam'd from their Form, which was the most convenient to wield round, or to cut their way; whereas the Ships of Burden were generally built rounder and more hollow, that they might be the more easie to load, and might hold the more Goods. The most remarkable of the *Naves longæ* were the *Triremis*, the *Quadriremis*, and the *Quinqueremis*. *Tetrigens* *Tetripus*, and *Heptigens*; exceeding one another by one Bank of Oars; which Banks were rais'd slopingly one above another; and consequently those which had most Banks were built highest, and rowed with the greatest strength. Some indeed fantasie a different Original of these Names, as that in the *Triremes*, for Example, either there were three Banks one after the other on a level, or three Rowers sat upon one Bank; or else three Men tugg'd all together at one Oar: But this is contrary not only to the Authority of the Classicks, but to the Figures of the *Triremes* still appearing in ancient Monuments. Besides these, there were two other Rates, one higher, and the other lower. The higher Rates we meet with are the *Hexeres*, the *Hepteres*, the *Ofteres*, and so on to the *πεντεκαιδεκίγους*; nay *Polybius* relates that *Philip* of *Macedon*, Father to *Perseus*, had an *ἐκκαιδεκίγους* (a); which *Livy* translates, *navis quam sexdecim versus remorum agebant* (b), a Ship with sixteen Banks: Yet this was much inferior to the Ship built by *Philopater*, which *Plutarch* tells us had forty Banks (c). The lower Rates were the *Biremis* and the *Moneres*. The *Bireme* in *Greek* *διπυς*, or *διπρότης*, consisted of two Banks of Oars: Of these, the fittest for Service, by reason

(a) *Polyb.* in Fragment. (b) *Lib.* 53. (c) *In Demetrio.*

of their lightness and swiftness, were call'd *Liburnice*, from the *Liburni*, a People in *Dalmatia*, who first invented that sort of Building; for being generally *Corsairs*, they row'd up and down in these light Vessels, and maintain'd themselves by the Prizes they took (a). Yet in later times, all the smaller and more expedite Ships, whether they had more or less than two Banks, were term'd in general *Liburnæ*, or *Liburnicæ*. Thus *Horace* and *Propertius* call the Ships which *Augustus* made use of in the Sea-Engagement at *Actium*: And *Florus* informs us, that his Fleet was made up of Vessels from three to six Banks (b). *Suetonius* mentions an extravagant sort of *Liburnicæ* invented by the Emperour *Caligula*, adorn'd with Jewels in the Poop, with Sails of many Colours, and furnish'd with large Portico's, Bagnio's and Dining-rooms, besides the curious Rows of Vines and Fruit-Trees of all sorts (c).

The *Menes* mention'd by *Livy* was a Galley having but one single Bank of Oars, of which we find five sorts in Authors, the *εὐκλείδης* or *Adnaria*, the *τετακτότης*, the *τετρακύντορος*, the *πεντακύντορος*, and the *ἐξακύντορος*, of twenty, thirty, forty, fifty, and an hundred Oars.

It may be observ'd, that tho' these Under-Rates are suppos'd to have been built in the form of the *Naves longæ*, yet they are not so generally honour'd with that Name; and sometimes in Authors of credit we find them directly oppos'd to the *Naves longæ*, and at other times to the *μαχηαὶ*, or War-ships.

But the Ships of War occur under several other different Denominations, as the *Τετλη*, or *Constrata*, or the *Ἀπτε*. The *Τετλη*, or *κατάσκευτος* were so call'd, because they had *κατασκευματα* or Hatches; whereas the *Ἀπτε* or *ἀσκευτος* had none. The greater Ships, as the *Quadrirèmes* and upwards, seem always to have had Hatches; the *Triremes* and *Biremes* are sometimes describ'd otherwise; and all below these were *Ἀπτε*. *Cicero* and other Authors sometimes use the Word *Ἀπρακτὺν* for a particular sort of Ship; and *Polybius* *κατάσκευτος*, for a *Quinquereme*. Besides these we meet with the *Naves rostrata* and *Naves turritæ*; the first were such as had Beaks or *Rostra*, necessary to all Ships which were to engage in a Battel. The others were such as had Turrets erected on their Decks, from whence the Soldiers us'd all manner of Weapons and Engines, as if it had

(a) *Dacier* on *Horace*, *Epod.* I. (b) *Lib.* 4. cap. 11. (c) *Sueton.* in *Calig.* cap. 37.

been

been on land, and so engag'd with the greatest Fury imaginable; as *Virgil* describes the Fight at *Actium*.

-----*Pelago credas innare revulsas*
Cycladas, aut montes concurrere montibus altos;
Tantâ mole viri turriti puppibus instant. *Æn.* 8.

The Officers in the Navy were the *Præfectus Classis*, or Admiral, and sometimes the *Duumviri*, when two were join'd in Commission, together with the *Trierarchus*, or Captain of a particular Ship, most properly of the *Trireme*; the *Gubernator*, or Master; the *Celeustes*, or Boatswain, and others of inferior Note.

Under the Emperours, as there were Legions establish'd in most parts of the *Roman* Dominions, so had they constantly Fleets in those Seas, which lay conveniently for the defence of the neighbouring Countries. As *Augustus* kept one Navy at *Misenum* in the *Mare inferum*, to protect and keep in obedience *France*, *Spain*, *Mauritania*, *Egypt*, *Sardinia*, and *Sicily*: Another at *Ravenna* in the *Mare superum*, to defend and bridle *Epirus*, *Macedon*, *Achaia*, *Crete*, *Cyprus*, together with all *Asia*. Nor were their Navies only maintain'd on the Seas, but several too on the principal Rivers, as the *Germanica Classis* on the *Rhine*, the *Danubiana*, the *Euphratensis*, &c. to be met with in *Tacitus*, and other Historians.

[See *Sir Henry Savil's Dissertation* at the end of his *Translation* of *Tacitus*.]

To this Subject of the *Roman* Shipping, we may add a very remarkable Custom of such as had escap'd a Wreck at Sea, which we find hinted at in almost every Place of the Poets, and often alluded to by other Authors; on which the great Modern Critick delivers himself to this purpose.

It was a Custom for those who had been sav'd from a Shipwreck to have all the Circumstances of their Adventure represented on a Table. Some Persons made use of their Table to move the Compassion of those that they met as they travell'd up and down; and by their Charity to repair their Fortunes, which had suffer'd so much at Sea. These *Juvenal* describes *Sar-*

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-----*Mer-*

-----*Mersâ rate naufragus affem*
Dum rogat, & pictâ se tempestate tuetur.

His Vessel sunk, the Wretch at some Lane's end
 A painted Storm for Farthings does extend,
 And lives upon the Picture of his Loss.

For this purpose, they hung the Tablet about their Necks, and kept singing a sort of canting Verses, expressing the manner of their Misfortunes; almost like the Modern Pilgrims. *Perfius Sat. 1.*

-----*Cantet si naufragus affem*
Pro:ulerim? Cantas cum fractâ te in trabe pictum
Ex humero portes?

Say, should a Ship-wrack'd Sayler sing his Woe,
 Wou'd I be mov'd to pity; or bestow
 An Alms? Is this your Season for a Song,
 When your despairing Phiz you bear along,
 Daub'd on a Plank, and o'er your Shoulders hung? }

Others hung up such a Table in the Temple of the particular Deity, to whom they had address'd themselves in their Exigence, and whose assistance, had, as they thought, effected their safety. This they term'd properly *votiva Tabella*. *Juvenal* has a fling at the *Roman* Superstition in this point, when he informs us, that 'twas the business of a whole Company of Painters to draw Pictures on these accounts from the Temple of *Isis*.

-----*Quam votivâ testantur Fana Tabellâ*
Plurima, pictores quis nescit ab Iside pasci?

Such as in *Isis* some may be survey'd,
 On Votive Tablets to the Life pourtray'd,
 Where Painters are employ'd and earn their Bread. }

But the Custom went much farther; for the Lawyers at the Bar us'd to have the Case of their Client express'd in a Picture, that by shewing his hard Fortune, and the Cruelty and Injustice of the adverse Party, they might move the Compassion of the Judge. This *Quintilian* declares himself against, in his
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sixth Book. Nor was this all; for such Persons as had escap'd in any fit of Sickness, us'd to dedicate a Picture to the Deity whom they fancied to have reliev'd them. And this gives us a light into the meaning of *Tibullus*, *Lib. 1. Eleg. 3.*

Nunc dea, nunc succurre mihi; nam posse mederi
Pi&a docet Templâ multa tabella tuis.

Now, Goddess, now thy tortur'd Suppliant heal,
 For Votive Paints attest thy sacred Skill.

Thus the old Christians (a), upon any signal recovery of their Health, us'd to offer a sort of Medal in Gold or Silver, on which their own Effigies was express'd, in Honour of the Saint whom they thought themselves oblig'd to for their Deliverance. And this Custom still obtains in the Popish Countries (b).

(a) *Casaubon*. in *Perfius*, Sat. 1. v. 88. (b) *Dacier* on *Horace* lib. 1. Od. 5.

P A R T II.

B O O K V.

Miscellany Customs of the Romans.

C H A P I.

Of the Private Sports and Games.

A Great part of the *Roman* Pomp and Superstition was taken up in their Games and Shows, and therefore very many of their Customs have a dependance on those Solemnities. But in our way, we should not pass by the private Sports and Diversions; not that they are worth our notice in themselves, but because many Passages and Allusions in Authors would otherwise be very difficult to apprehend.

The Private Games particularly worth our Remark are, the *Lattrunculi*, the *Tali* and *Tessera*, the *Pila*, the *Par impar*, and the *Trochus*.

The Game at *Lattrunculi* seems to have been much of the same nature as the Modern Chess: The Original of it is generally referr'd to *Palamedes* his Invention at the Siege of *Troy*: Tho' *Seneca* attributes it to *Chilon*, one of the seven *Grecian* Sages; and some saie that *Pyrrhus* King of *Epirus* contriv'd this Sport, to instruct his Soldiers, after a diverting manner, in the Military Art. However, 'tis certain, it expresses the Chance

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Chance and Order of War so very happily, that no place can lay so just a Claim to the Invention as the Camp. Thus the ingenious *Vida* begins his Poem on this Subject.

*Ludimus effigiem belli simulataq; veris
Prælia, buxo acies fictas, & ludicra regna:
Ut gemini inter se reges, albusq; nigerq;
Pro laude oppositi, certant bicoloribus armis.*

Wars harmless Shape we sing, and Boxen Trains
Of Youth, encountering on the Cedar-Plains.
How two tall Kings by different Armour known,
Traverse the Field, and combat for Renown.

The Chess-men which the *Romans* us'd, were generally of Wax or Glass, their common Name was *Calculi*, or *Lattrunculi*: The Poets sometimes term them *Latrones*; whence *Lattrunculus* was at first deriv'd: For *Latro* among the ancients signified at first a Servant (as the Word *Knave* in *English*) and afterwards a Soldier.

Seneca has mention'd this Play oftner, perhaps than any other *Roman* Author; particularly in one place, he has a very remarkable Story, in which he designs to give us an Example of wonderful Resolution and Contempt of death; tho' some will be more apt to interpret it as an instance of insensible Stupidity. The Story is this: One *Canius Julius* (whom he extols very much on other Accounts) had been sentenc'd to death by *Caligula*; the Centurion coming by with the Tribe of Malefactors, and ordering him to bear them company to execution, happen'd to find him engag'd at this Game. *Canius* upon his first Summons, presently fell to counting his Men, and bidding his Antagonist be sure not to brag falsely of the Victory after his death, he only desir'd the Centurion to bear witness, that he had one Man upon the Board, more than his Companion; and so very readily join'd himself to the poor Wretches that were going to suffer (a).

But the largest and most accurate Account of the *Lattrunculi* given us by the Ancients, is to be met with in the Poem to *Piso*; which some will have to be *Ovid's*, others *Lucan's*, and many the Work of an unknown Author.

(a) *Seneca* de Tranquill. Animi. cap. 14.

The *Tali* and the *Tesserae*, by reason of so many Passages in Authors equally applicable to both, have often times been confounded with one another, and by some distinguish'd as a separate Game from the *Iusus aleæ*, or Dice : Whereas, properly speaking, the *Greeks* and *Romans* had two sorts of Games at Dice, the *Ludus talorum*, or play at Cockall, and the *Ludus tesserarum*, or what we call Dice. They play'd at the first with four *Tali*, and at the other with three *Tesserae*. The *Tali* had but four sides, mark'd with four opposite numbers; one side with a *Tres*, and the opposite with a *Quatre*; one with an *Ace*, and the contrary with a *Sice*. The Dice had six Faces, four mark'd with the same Numbers as the *Tali*, and the two others with a *Deux* and a *Cinque* always one against the other; so that in both Plays, the upper Number and the lower, either on the *Talus* or *Tessera*, constantly made seven.

There were very severe Laws in force against these Plays, forbidding the use of them at all Seasons, only during the *Saturalia*; tho' they gam'd ordinarily at other times, notwithstanding the Prohibition. But there was one use made of them at Feasts and Entertainments, which perhaps did not fall under the extent of the Laws; and that was to throw Dice, who should command in chief, and have the power of prescribing Rules at a Drinking Bout; whom *Horace* calls *Arbiter bibendi*.

They threw both the *Tali* and the *Tesserae* out of a long Box; for which they had several Names, as *Fritillium*, *Pyrgus*, *Turricula*, *Orca*, &c.

There are many odd Terms scatter'd up and down in Authors, by which they signified their fortunate and unfortunate Casts, we may take notice of the best and the worst. The best Cast with the *Tali*, was when there came up four different Numbers, as *Tres*, *Quatre*, *Sice*, *Ace*: The best with the Dice was three *Sices*; the common Term for both, was *Venus*, or *Basilicus*; the poorest cast in both having the Name of *Canis*. *Persius* opposes the *Senis* and the *Canicula* as the best and worst Chances.

----- *Quid dexter senio ferret
Scire erit in votis; damosa canicula quantum
Raderet Augustæ collo non fallier Orca.* Sat. 3.

But then my Study was to cog the Dice,
And dextrously to throw the lucky *Sice*.

To shun *Ames-Ace* that swept my Stakes away;
And watch the Box, for fear they should convey
False Bones, and put upon me in the Play.

[Mr. Dryden.]

The wiser and severer *Romans* thought this sedentary Diversion fit only for aged Men, who could not so well employ themselves in any stirring Recreation. Let them (says old *Cato* in *Tully*) have their Armour, their Horses, and their Spears; let them take their Club and their Javelin; let them have their swimming Matches and their Races, so they do but leave us among the numerous Sports, the *Tali* and the *Tesserae*. But the general corruption of manners made the Case quite otherwise:

*Si damosa senem juvat alea, ludit & hæres
Bullatus, parvoq; eadem movet arma fritillo.*

If Gaming does an aged Sire entice,
Then my young Master swiftly learns the Vice,
And shakes, in Hanging-sleeves, the little Box and Dice.

Nor was it probable, that this Game should be practis'd with any moderation in the City, when the Emperours were commonly profess'd Admirers of it. *Augustus* himself play'd unreasonably, without any regard to the time of the Year (a). But the great Master of this Art was the Emperour *Claudius*, who, by his constant Practice (even as he rid about in his Chariot) gain'd so much Experience as to compose a Book on the Subject. Hence *Seneca* in his Sarcastical Relation of that Emperor's *Apotheosis*; when, after a great many Adventures, he has at last brought him to Hell, makes the infernal Judges condemn him (as the most proper Punishment in the World) to play continually at Dice with a Box that had the bottom out; which kept him always in Hopes, and yet always balk'd his Expectations.

*Nam quoties missurus erat resonante fritillo,
Utique subducto fugiebat Tessera fundo;
Cumque relictos auderet mittere salos,
Lusuro similis semper, semperq; petenti,*

(a) *Sueton. Aug. cap. 71.*

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*Decepere fidem : Refugit, digitosq; per ipsos
Fallax assidue dilabitur alea furto.
Sic cum jam summi tanguntur culmina montis,
Irrita Sisyphio voluntur pondera collo.*

For whensoever he shook the Box to cast,
The rattling Dice delude his eager haste:
And if he try'd again, the waggiſh Bone
Insensibly was thro' his Fingers gone;
Still he was throwing, yet he ne'er had thrown. }
So weary *Sisyphus*, when now he sees
The welcome Top, and feeds his joyful Eyes,
Straight the rude Stone, as cruel Fate commands,
Falls sadly down, and meets his restless Hands.

The Ancients had four sorts of *Pila* or Balls us'd for Exercise and Diversion. The *Follis*, or Balloon, which they struck about with their Arm, guarded for that purpose with a wooden Bracer: Or if the Balloon was little, they us'd only their Fists. The *Pila Trigonalis*, the same as our common Balls; to play with this, there us'd to stand three Persons in a Triangle, striking it round from one to the other; he that first let it come to the Ground was the loser (a). *Paganica*, a Ball stuff'd with Feathers, which *Martial* thus describes:

*Hæc quæ difficiis target Paganica, plumâ
Tolle minus laxa est, & minus arcta pila.*

The last sort was the *Harpastum*, a harder kind of Ball which they play'd with, dividing into two Companies, and striving to throw it through one another's Goals, which was the conquering Cast.

The Game at *Para impar*, or Even and Odd, is not worth taking notice of, any farther than to observe, that it was not only proper to the Children, as is generally fancied: For we may gather from *Suetonius*, that it was sometimes us'd at Feasts and Entertainments, in the same manner as the Dice and Chess (b).

The *Trochus* has been often thought the same as the *Turbo*, or Top; or else of like nature with our Billiards: But both these

(a) See *Dacier* on *Horace*, Book 2. Sat. 2. (b) See *Sueton.* in *Aug.* cap. 71.

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Opinions are now exploded by the Curious. The *Trochus* therefore was properly a Hoop of Iron five or six Foot Diameter, set all over in the inside with Iron Rings. The Boys and young-Men us'd to whirl this along, as our Children do the wooden Hoops, directing it with a Rod of Iron having a wooden Handle; which Rod the *Grecians* call'd *ἐλαστήρ*, and the *Romans* *Radius*. There was need of great Dexterity to guide the Hoop right. In the mean time, the Rings, by the clattering which they made, not only gave the People notice to keep out of the way, but contributed very much to the Boy's Diversion (a). We must take care not to think this only a childish Exercise, since we find *Horace* ranking it with the other manly Sports.

*Ludere qui nescit, campestribus abstinet armis,
Indoctusque pile, discive, trochive quiescit. (b).*

(a) See *Dacier* on *Horace*, Book 3. Od. 24. (b) *De Art. Poet.*

C H A P II.

Of the Circensian Shews; and first of the Pentathlum, the Chariot-Races, the Ludus Trojæ, and the Pyrrhica Saltatio.

IT is hard to light on any tolerable Division which would take in all the Publick Sports and Shews; but the most accurate seems to be that, which ranks them under two Heads, *Ludi Circenses*, and *Ludi Scenici*: But because this Division is made only in respect of the Form and Manner of the Solemnities, and of the place of Action, there is need of another to express the End and Design of their Institution; and this may be *Ludi Sacri*, *Votivi*, and *Funebres*.

The *Circensian* Plays may very well include the Representations of Sea-fights, and Sports perform'd in the Amphitheatres: For the former were commonly exhibited in the *Circo's* fitted for that use; and when we meet with the *Naumachia*, as places distinct from the *Circo's*, we suppose the Structure to have been of the same nature. And as to the Amphitheatres, they were

were invented for the more convenient Celebration of some particular Shews, which us'd before to be presented in the *Circus*; So that in this extent of the Head, we may inform our selves of the *Pentathlon*, of the Chariot-Races, of the *Ludus Troje*, of the Shews of wild Beasts, of the Combats of the Gladiators, and of the *Naumachia*.

The *Pentathlon*, or *Quinquertium*, as most of their other Sports, was borrow'd from the *Græcian Games*; the five Exercises that compos'd it were, Running, Wrestling, Leaping, Throwing, and Boxing. The two last have something particularly worth our notice; the former of them being sometimes perform'd with the *Discus*, and the other with the *Cestus*. The *Discus*, or Quoit, was made of Stone, Iron, or Copper, five or six Fingers broad, and more than a Foot long, inclining to an Oval Figure: They sent this to a vast distance, by help of a leathern Thong tied round the Person's Hand that threw. Several learned Men have fancied, that instead of the aforesaid Thong, they made use of a Twist or Brede of Hair; but 'tis possible, they might be deceiv'd by that Passage of *Claudian*.

*Quis melius vibrata puer vertigine molli
Membra rotet? Vertat quis marmora crine supino?*

What Youth cou'd wind his Limbs with happier Care?
Or fling the Marble-Quoit with toss'd back Hair?

Where the Poet by *Crine supino* intends only to express the extreme Motion of the Person throwing; it being very natural on that account to cast back his Head, and so make the Hair fly out behind him (a).

Homer has made *Ajax* and *Ulysses* both great Artists at this Sport: And *Ovid* when he brings in *Apollo* and *Hyacinth* playing at it, gives an elegant Description of the Exercise.

*Corpora veste levant, & succo pingui olivæ
Splendescunt, latiq; ineunt certamina disci,
Quom prius aerias libratum Phæbus in auras
Misit, & oppositas disjecit pondera nubes.
Decidit in solidam longo post tempore terram
Pondus, & exhibuit junctam cum viribus artem (b).*

(a) See *Dacier* on *Horace*, Book 1. Od. 8. (b) *Metamorphos.* 10. They

They strip, and wash their naked Limbs with Oyl,
To whirl the Quoit, and urge the sportive Toil.
And first the God his well-pois'd Marble flung,
Cut the weak Air, and bore the Clouds along.
Sounding at last the massie Circle fell,
And shew'd his Strength a Rival to his Skill.

Scaliger, who attributes the Invention of the whole *Pentathlon* to the rude Country-People, is of Opinion, That the throwing the *Discus* is but an Improvement of their old Sport of casting their Sheep-Hooks: This Conjecture seems very likely to have been borrow'd from a Passage of *Homer*:

*Οσον τις τ' ἔρριπε καλαύροπα βυκόλῳ ἀνὴρ,
*Ἡ δὲ θ' ἐλισσομένη πέτλαι διὰ βῆς ἀγλαίας,
Τόσων παντὸς ἀγῶνῳ ὑπέρβαλε (i).

As when some sturdy Hind his Sheep-hook throws,
Which, whirling, lights among the dittant Cows;
So far the Hero cast o'er all the Marks.

And indeed, the Judgment of the same Critick, that these Exercises owe their Original to the Life of Shepherds, is no more than what his admir'd *Virgil* has admirably taught him in the second *Georgick*.

*Ipse dies agitat Festos; fufusq; per herbam
Ignis ubi in medio, & Socii cratera coronant,
Te libens Leneæ vocat, pecorisq; magistris
Velocis jaculi certamina ponit in ulmo;
Corporaq; agresti nudat prædura palæstrâ.*

When any Rural Holy-days invite
His Genius forth to innocent Delight;
On Earth's fair Bed, beneath some sacred Shade,
Amidst his equal Friends carelessly laid,
He sings thee, *Bacchus*, Patron of the Vine:
The Beechen Bowl foams with a flood of Wine;
Not to the loss of Reason, or of Strength.
To active Games and manly Sports at length

(i) *Iliad.* 4.

Their Mirth ascends ; and with full Veins they see
Who can the best at better Tryals be.

[Mr. Cowley.

The *Cestus* were either a sort of leathern Guards for the Hands, compos'd of Thongs, and commonly fill'd with lead or Iron, to add force and weight to the blow : Or, according to others, a kind of Whorls or Bludgeons of Wood, with Lead at one end : Tho' *Scaliger* censures the last Opinion as ridiculous ; and therefore he derives the Word from *χέσων*, a Girdle, or Belt (a). This Exercise is most admirably describ'd by *Virgil*, in the Combat of *Dares* and *Entellus*, *Æneid*. 5. The famous Artist at the *Cestus*, was *Eryx* of *Sicily*, overcome at last at his own Weapons by *Hercules*. *Pollux* too was as great a Master of this Art, as his Brother *Castor* at Encounters on Horseback. The Fight of *Pollux* and *Amycus* with the *Cestus*, is excellently related by *Theocritus*, *Idyllium* 30.

The CHARIOT-RACES occur as frequently as any of the *Circensian* Sports. The most remarkable thing belonging to them, were the Factions or Companies of the Charioteers ; according to which the whole Town was divided, some favouring one Company, and some another. The four ancient Companies, were the *Prasina*, the *Rufata*, the *Alba*, and the *Veneta* ; the Green, the Red, the White, and the Sky-colour'd, or Sea-colour'd. This Distinction was taken from the Colour of their Liveries, and is thought to have born some allusion to the four Seasons of the Year ; the first resembling the Spring, when all things are Green ; the next, the fiery colour of the Sun in Summer ; the third the Hoar of Autumn ; and the last, the Clouds of Winter ; or else the fourth may be applied to Autumn, and the third to Winter. The *Prasina*, and the *Veneta* are not so easy Names as the other two ; the former is derived from *πράσινον*, a *Leek* ; and the other from the *Veneti*, or the *Venetians*, a People that particularly affected that Colour. The most taking Company were commonly the Green, especially under *Caligula Nero*, and the following Emperours ; and in the time of *Juvenal*, as he hints in his eleventh Satyr, and with a finer stroke of his Pen, handsomely censures the strange Pleasure which the *Romans* took in these Sight.

-----Mibi pace
Immensæ nimisq; licet si dicere plebis

(a) De Re Poetic. lib. 1. cap. 22.

Totam

*Totam hodie Romam circus capit, & fragor aurem
Percutit eventum viridis quo colligo panni:
Nam si deficeret ; moestam attonitamq; videres
Hanc Urbem, veluti Cannarum in pulvere victis
Consulibus.*-----

This Day all *Rome* (if I may be allow'd,
Without Offence to such a numerous Crowd,
To say all *Rome*) will in the *Circus* sweat,
Echoes already to their Shouts repeat.
Methinks I hear the Cry-----*Away, away,
The Green have won the Honour of the Day.*
Oh ! should these Sports be but one Year forborn,
Rome wou'd in Tears her lov'd Diversion mourn ;
And that wou'd now a cause of Sorrow yield,
Great, as the loss of *Canna's* fatal Field.

[Mr. Congreve.

The Emperour *Domitian*, as *Suetonius* informs us, added two new Companies to the former, the *Golden*, and the *Purple* (a). *Xiphilin* calls them the *Golden*, and the *Silver* ; but this seems to be a mistake, because the *Silver-Liveries* would not have been enough to distinguish from the *White*. But these new Companies were soon after laid down again by the following Emperours (b).

In ordinary reading, we meet only with the *Bigæ*, and the *Quadrigæ* ; but they had sometimes their *Sejuges*, *Septemjuges*, &c. And *Suetonius* assures us, That *Nero*, when he was a Performer in the *Olympick* Games, made use of a *Decemjugis*, or Chariot drawn with ten Horses coupled together (c). The same Emperor sometimes brought in pairs of Camels to run in the *Circo*, instead of Horses (d). And *Heliogabalus* oblig'd Elephants to the same Service (e).

The Races were commonly ended at seven turns round the *Meta*, tho' upon extraordinary occasions, we now and then meet with fewer Heats. In like manner the usual number of *Missus*, or *Matches*, were twenty four ; tho' sometimes a far greater number was exhibited. For *Suetonius* tells us, That the Emperour *Domitian* presented an hundred Matches in one Day (f) *De la Cérda* will have us believe 'tis impossible this would be meant of the

(a) *Domitian*. cap. 7. (b) *Lips.* Com. in locum. (c) *Suet. Ner.* cap. 24. (d) *Idem.* cap. 11. (e) *Lamprid.* in *Heliogab.* (f) *Domit.* cap. 4.

S

number

number of the Matches ; but only of the Chariots, so as to make no more than twenty five *Missus* : But his Opinion is not taken notice of by the Critics who have commented on *Suetonius* ; *Servius* (a) on the Verse of *Virgil*,

Centum Quadrijugos agitabo ad flumina currus.

takes occasion to inform us, that anciently there were always twenty five Matches of Chariots, four in every Match, so as to make an hundred in all. The last *Missus* was set out at the Charge of the People, who made a gathering for that purpose ; and was therefore call'd *Ararius* : But when this Custom of a Supernumerary *Missus* was laid aside, the Matches were no more than twenty four at a time ; yet the last four Chariots still kept the Name of *Missus ararius*.

The time when these Races should begin, was anciently given notice of by sound of Trumpet.

But afterwards the common Sign was the *Mappa*, or Napkin hung out at the *Prætor*, or the chief Magistrate's Seat. Hence *Juvenal* calls the *Megaliensian Games*.

----- *Megaliacæ Spectacula Mappæ.* Sat. 11.

The common Reason given for this Custom is, that *Nero* being once at Dinner, and the People making a great noise, desiring that the Sports might begin, the Emperour threw the Napkin he had in his Hand out of the Window, as a Token that he had granted their Requests (b).

The Victors in these Sports were honour'd with Garlands, Coronets, and other Ornaments, after the *Græcian* manner ; and very often with considerable Rewards in Money : Insomuch that *Juvenal* makes one eminent Charioteer able to buy an hundred Lawyers.

----- *Hinc centum patrimonia caudicorum,
Parte aliâ solum rursati pone Lacertæ.* Sat. 7.

It has been already hinted, that they reckon'd the conclusion of the Race from the passing by the *Meta* the seventh time : And this *Propertius* expressly confirms, *Book 2. Eleg. 24.*

(a) Ad *Georg.* 3. (b) *Cassiodor. lib. Epist. 5.*

*Aut prius infecto deposcit præmia cursu,
Septima quam metam triverit arte rota :*

What Charioteer wou'd with the Crown be grac'd,
Ere his seventh Wheel the mark has lightly pass'd ?

So that the greatest Specimen of Art and Sleight appears to have been, to avoid the *Meta* handsomly when they made their turns ; otherwise the Chariot and the Driver would come off with great Danger, as well as Disgrace.

----- *Metaque feroidis
Evitata rotis.* Horace.

On this account 'tis that *Theocritus*, when he gives a Relation of the Exercises in which they instructed young *Hercules*, assigns him in this Point, as a matter of the greatest consequence, his own Father for his Tutor.

Ἰππας δ' ἐξέλεσθαι ὅφ' ἄρματι καὶ περὶ νύσαν
Ἀσφαλῶς κέμποντα δοχῶ συνέγγα φυλάττει
Ἀμφιδύων ὃν παῖδα φίλα φρονέων ἐδίδασκεν
Ἄυτος, ἐπεὶ μάλα πολλὰ θοῶν ἐξήρατ' ἀγῶνων
Ἄργα ἐν ἱπποπότῳ κειμήλια καὶ δι' ἀργεῖς
Δίφροι ἐφ' ὧν ἐπέβαινε, χρόνῳ δέλυσαν ἱμάντας. *Εἰδύλ. κ.*

To drive the Chariot, and with steady Skill
To turn, and yet not break the bending Wheel,
Amphitryo kindly did instruct his Son :
Great in that Art ; for he himself had won
Vast precious Prizes on the *Argive* Plain :
And still the Chariot which he drove remains,
Ne'er hurt i'th' Course, tho' time had broke the falling Reins. }

[*Mr. Creech.*]

They who desire to be inform'd of the exact manner of these Races ; which certainly was very noble and diverting, may possibly receive as much pleasure and satisfaction from the Description which *Virgil* has left us of them in short, as they could expect from the sight it self.

*Nonne vides ? cum præcipiti certamine campum
Corripuere, ruuntque effusi carcere currus ;
Cum spes arrectæ juvenum, exultantiq; baurit
Corda pavor pulsans : Illi instant verbera torto,
Et proni dant lora : Volat vi fervidus axis.
Jamq; humiles, jamq; elasi sublime videntur
Aera per vacuum ferri, atq; assurgere in auras.
Nec mora nec requies. At fulvæ nimbis arena
Tollitur ; humescunt spumis flatuq; sequentum :
Tantus amor laudum, tanta est victoria curæ.*

Hast thou beheld, when from the Goal they start
The youthful Charioteers with beating Heart,
Rush to the Races ; and panting scarcely bear
Th' extremes of feverish Hope and chilling Fear ;
Stoop to the Reins, and lash with all their force ;
The flying Chariot kindles in the Course.
And now a-low, and now a-lost they fly,
As born thro' Air, and seem to touch the Sky ;
No stop, no stay ; but Clouds of Sand arise,
Spurn'd and cast backward on the follower's Eyes ;
The hindmost blows the foam upon the first :
Such is the love of Praise ; and honourable Thirst.

[Mr. Dryden.

The *Troja*, or *Ludus Trojae*, is generally referr'd to the Invention of *Ascanius*. It was celebrated by Companies of Boys neatly dress'd, and furnish'd with little Arms and Weapons, who muster'd in the publick *Circo*. They were taken, for the most part, out of the noblest Families ; and the Captain of them had the honourable Title of *Princeps Juventutis* ; being sometimes the next Heir to the Empire ; and seldom less than the Son of a principal Senator. This Custom is so very remarkable, that it would be an unpardonable Omission not to give the whole Account of it in *Virgil's* own Words ; especially because the Poet using all his Art and Beauties on this Subject, as a Compliment to *Augustus* (a great Admirer of the Sport) has left us a most Divine Description.

Æneid.

Æneid. 5. Ver. 545.

*At pater Æneas, nondum certamine misso,
Custodem ad sese comitemq; impubis Iuli
Epytiden vocat, & fidam sic fatur ad aurem:
Vade age : & Ascanio, si jam puerile paratum
Agmen habet secum, cursuq; instruxit equorum,
Ducat avo turmas, & sese ostendat in armis,
Dic, ait. Ipse omnem longo decedere circo
Infusum populum, & campos jubet esse patentes.
Incedunt pueri, pariterq; ante ora parentum
Frenatis lucent in equis : Quos omnis euntes
Trinacriæ mirata fremit Trojæq; juvenus.
Omnibus in morem tonsa coma pressa corona :
Cornea bina ferunt præfixa hastilia ferro,
Pars leves humero pharetras : It pectore summo
Flexili oborti per collum circulus auri.
Tres equitum numero turmæ, terniq; vagantur
Ductores : Pueri bissesti quemq; secuti,
Agmine partito fulgent, paribusq; Magistris.
Una acies juvenum, ducit quam parvus ovantem
(Nomen avi referens) Priamus, tua clara, Polite,
Progenies, auctura Italos : Quem Thracius albis
Portat equus bicolor maculis : Vestigia primi
Alba pedis, frontemq; ostentans arduus albam.
Alter Atys, genus unde Atti duxere Latini :
Parvus Atys, pueroq; puer dilectus Iulio.
Extremus, formaq; ante omnes pulcher Iulius
Sidonio est invecus equo : Quem candida Dido
Esse sui dederat monumentum & pignus amoris.
Cetera Trinacriæ pubes senioris Aceste
Fertur equis.
Excipiunt plausu pavidos, gaudensq; tuentes
Dardanidæ, veterumq; agnoscunt ora parentum.
Postquam omnes lævi concessum oculosq; suorum
Lustravere in equis : signum clamore parati
Epytides longè dedit, insomuitq; flagello.
Olli discurrere pares, atq; agmina terni
Diductis solvere choris : Rursusq; vocati
Convertere vias, infestaq; tela tulere.
Inde alios incurrunt cursus, aliosq; recursus,*

S 3

Adversis

Adversis spatiis : Alternosq; orbibus orbes
 Impediunt, pugnaq; cient simulacra sub armis :
 Et nunc terga fuge nudant, nunc spicula vertunt
 Infensi, facta pariter nunc pace feruntur :
 Ut quendam Cretâ fertur Labyrinthus in alâ
 Paetibus textum cœcis iter, ancipitemq;
 Mille viâ habuisse dolum, qua signa sequendi
 Falleret indeprensus & irremediabilis error.
 Haud aliter Teucrum nati vestigia cursu
 Impediunt, texuntq; fugas & prœlia ludo :
 Delphinum similes, qui per maria humida nando
 Carpathium Libycumq; secant, luduntq; per undas.
 Hunc morem, hos cursus atq; hæc certamina primus
 Ascanius, longam muris cumcingeret Albam,
 Rettulit, & prisce decuit celebrare Latinos,
 Quo puer ipse modo, secum quo Troia pubes,
 Albani docuere suos : hinc maxima porro
 Accipit Roma, & patrium servavit honorem :
 Trojaq; nunc pueri, Trojanum dicitur agmen.

But Prince *Aeneas*, ere the Games were done,
 Now call'd the wise Instructor of his Son,
 The good *Epytides*, whose faithful Hand
 In noble Arts the blooming Hero train'd :
 To whom the Royal Chief his Will declar'd,
 Go bid *Ascanius* if he stands prepar'd,
 To march his youthful Troops, begin the Course,
 And let his Grandfire's Shade commend his growing Force.
 Thus he ; and order'd straight the swarming Tide
 To clear the *Circus* ; when from every side
 Crowds bear back Crowds, and leave an open space,
 Where the new Pomp in all its Pride might pass.
 The Boys move on, all glittering lovely bright,
 On well-rein'd Steeds in their glad Parents sight.
 Wondring, the *Trojan* and *Sicilian* Youth
 Crown with Applause their Virtue's early growth.
 Their flowing Hair close flowry Chaplets grace,
 And two fair Spears their eager Fingers press.
 Part bear light Quivers, on their Shoulders hung,
 And Twists of bending Gold sie wreath'd along
 Their Purple Vest ; which at the Neck begun,
 And down their Breasts in shining Circles run.

Three lovely Troops three beauteous Captains led,
 And twice six Boys each hopeful Chief obey'd.
 The first gay Troop young *Priam* marshal's on,
 Thy Seed, *Polites*, not to Fame unknown,
 That with *Italian* Blood shall join his own :
 Whose kinder Genius ripening with his Years,
 His wretched Grandfire's Name to better Fortune bears:
 A *Thracian* Steed with Spots of Spreading White
 He rode, that paw'd, and crav'd the promis'd Fight.
 A lovely White his hither Ferlocks stains ;
 And White his high erected Forehead shines.
 And next with stately pace young *Atys* mov'd,
 Young *Atys*, by the young *Ascanius* lov'd.
 From his great Line the noble *Attian* Stemm,
 In *Latium* nurs'd, derive their ancient Name.
 The third with his Command *Ascanius* grac'd ;
 Whose Godlike Looks his Heavenly Race confess'd ;
 So beautiful, so brave, he shone above the rest.
 His sprightly Steed from *Sidon's* Pastures came,
 The noble Gift of the fair *Tyrian* Dame,
 And fruitless Pledge of her unhappy Flame.
 The rest *Sicilian* Coursers all bestrode
 Which old *Acestes* on his Guests bestow'd.
 Them hot with beating Hearts, the *Trojan* Crew
 Receive with Shouts ; and with fresh Pleasure view ;
 Discovering in the Lines of every Face
 Some venerable Founder of their Race.
 And now the youthful Troops their Round had made,
 Panting with joy, and all the Crowd survey'd ;
 When sage *Epytides*, to give the Sign
 Clack'd his long Whip, and made the Course begin.
 At once they start, and spur with artful speed,
 'Till in three Troops the little Chiefs divide
 The close Battalion: Then at once they turn,
 Commanded back ; while, from their Fingers born,
 Their hostile Darts aloft upon the Wind
 Fly shivering. Then in circling Numbers join'd,
 The manag'd Coursers with due measures bound,
 And run the rapid Ring, and trace the mazy Round.
 Files facing Files, their bold Companions dare,
 And Wheel, and Charge, and urge the sportive War.

Now Flight they feign, and naked Backs expose :
 Now with turn'd Spears drive headlong on the Foes ;
 And now, Confederate grown, in peaceful Ranksthey close. }
 As Crete's fam'd Labyrinth to thousand Ways,
 And thousand darken'd Walls the Guest conveys ;
 Endless, inextricable Rounds amuse,
 And no kind Track the doubtful Passage shews.
 So the glad Trojan Youth their winding Course
 Sporting pursue ; and charge the Rival Force.
 As sprightly Dolphins in some calmer Road
 Play round the silent Waves, and shoot along the Flood.
 Alcanius, when (the rougher Storms o'er-blown)
 With happier Fates he rais'd fair Alba's Town ;
 This youthful Sport, this solemn Race renew'd,
 And with new Rites made the plain Latines proud.
 From Alban Sires th' Hereditary Game
 To matchless Rome by long Succession came :
 And the fair Youth in this Diversion train'd,
 Troy they still call, and the brave Trojan Band.

Lazius in his Commentaries de Repub. Romana fancies the Jests and Tournaments, so much in fashion about two or three hundred Years ago, to have ow'd their Original to this Ludus Trojæ ; and that Torniamenta is but a Corruption of Trejamenta. And the learned and noble Du Fresne acquaints us, that many are of the same Opinion. However, tho' the Word may perhaps be deriv'd with more probability from the French, Tourner, to turn round with Agility ; yet the Exercises have so much resemblance as to prove the one an Imitation of the other.

The Pyrrhice, or Saltatio Pyrrhica, is commonly believ'd to be the same with the Sport already describ'd. But besides that none of the Ancients have left any tolerable Grounds for such a Conjecture, it will appear a different Game if we look a little into its Original, and on the manner of the performance. The Original is, by some, referr'd to Minerva, who led up a Dance in her Armour after the Conquest of the Titans : By others, to the Curetes, or Corybantes, Jupiter's Guard in his Cradle ; who leap'd up and down, clashing their Weapons, to keep old Saturn from hearing the Cries of his Infant-Son. Pliny attributes the Invention to Pyrrhus, Son to Achilles, who instituted such a Company of Dancers at the Funeral of his Father (a). How-

(a) Nat. Hist. lib. 57.

ever, that it was very ancient is plain from Homer ; who, as he hints at it in several Descriptions, so particularly he makes the exact form and manner of it to be engrav'd on the Shield of Achilles, given him by Vulcan. The manner of the performance seems to have consisted chiefly in the nimble turning the Body, and shifting every Part, as if it were done to avoid the stroke of any Enemy : And therefore this was one of the Exercises in which they train'd the young Soldiers. Apuleius describes a Pyrrhick Dance perform'd by young Men and Maids together (a) ; which only would be enough to distinguish it from the Ludus Trojæ. The best account we meet with of the Pyrrhick Dance is in Claudian's Poem on the sixth Consulship of Honorius.

*Armatus hic sæpe choros, certâq; vagandi
 Textus lege fugas, inconfususq; recurſus,
 Et pulchras errorum artes, jucundaq; Martis
 Cernimus : Inſonuit cùm verbere ſigna magiſter
 Mutatoſq; edunt pariter tot pectora motus,
 In latus aliſiſis clypeû, aut ruſſus in altum
 Vibratû : Grave parma ſonat mucronis acuti
 Verbere, & umbonum pulſu modulante reſultans
 Ferreus alterno concentus clauditur enſe.*

Here too the Warlike Dancers bleſs our fight,
 Their artful wandring, and their laws of flight, }
 And unconfus'd return, and inoffenſive fight.
 Soon as the Maſter's Clack proclaim's the prize,
 Their moving Breasts in tuneful Changes riſe ;
 The Shields ſalute their ſides, or ſtraight are ſhown
 In Air high waving ; deep the Targets groan
 Struck with alternate Swords, which thence rebound,
 And end the Conſort and the ſacred Sound.

The moſt ingenious Mr. Cartwright, Author of the Royal-Slave, having occaſion to preſent a Warlike-Dance in that peice, took the meaſures of it from this Paſſage of Claudian's, as the moſt exact pattern Antiquity had left. And in the Printed Play, he has given no other deſcription of that Dance, than by ſetting down the Verſes, whence it was Copied.

Julius Scaligen tell's us of himſelf, that, while a Youth, he had often danc'd the Pyrrhick before the Emperor Maximilian

(a) Mileſiar. lib. 10.

to the amazement of all Germany: And that the Emperor was once so surpriz'd at his warlike activity, as to cry out, *This Boy, either was born in a Coat of Mail instead of a Skin, or else has been rock'd in one instead of a Cradle* (a).

(a) Poet. lib. 1. cap. 18.

C H A P. III.

Of the Shews of Wild Beasts, and of the Naumachie.

THE Shews of Beasts were in general design'd for the Honour of *Diana* the Patroness of Hunting. For this purpose, no Cost was spar'd to fetch the most different Creatures from the farthest Parts of the World: Hence *Glaudian*,

-----*Ratibus pars ibat onustis
Per freta, vel fluviis; exanguis dextera torpet
Remigis, & propriam metuebat navita mercem.*

-----Part in laden Vessels came,
Born on the rougher Waves, or gentler Stream;
The fainting Slave let fall his trembling Oar;
And the pale Master fear'd the Freight he bore.

And presently after,

-----*Quodcunque tremendum est
Dentibus, aut insigne júbis, aut nobile cornu,
Aut rigidum setis capitur, decus omne timorque
Sylvarum, non caute latent, non mole resistunt.*

All that with potent Teeth command the Plain,
All that run horrid with erected Mane,
Or proud of stately Horns, or bristling Hair
At once the Forest's Ornament and Fear;

Born

Born from their Desarts by the Roman Power,
Nor strength can save nor craggy Dens secure.

Some Creatures were presented meerly as strange Sights and Rarities, as the Crocodiles, and several outlandish Birds and Beasts; others for the Combat, as Lyons, Tygers, Leopards, &c. other Creatures, either purely for delight, or else for the use of the People, at such times as they were allow'd the liberty of catching what they could for themselves; as Hares, Deer, and the like. We may reckon up three sorts of Diversions with the Beasts, which all went under the common Name of *Venatio*; the first when the People were permitted to run after the Beasts, and catch what they could for their own use; the second when the Beasts fought with one another; and the last when they were brought out to engage with Men.

When the People were allow'd to lay hold on what they could get, and carry off for their own use, they call'd it *Venatio direptionis*: This seems to have been an Institution of the later Emperours. It was many times presented with extraordinary Charge, and great variety of contrivances: The middle part of the *Circo* being set all over with Trees, remov'd thither by main force, and fasten'd to huge Planks, which were laid on the Ground; these being cover'd with Earth and Turf, represented a natural Forest; into which the Beasts being let from the *Caves*, or Dens under ground, the People, at a Sign given by the Emperour, fell to hunting them, and carry'd away what they kill'd to regale upon at home. The Beasts usually given, were Boars, Deer, Oxen, and Sheep. Sometimes all kinds of Birds were presented after the same manner.

The Fights between Beasts were exhibited with great Variety; sometimes we find a Tyger match'd with a Lyon; sometimes a Lyon with a Bull; a Bull with an Elephant, a Rhinoceros with a Bear, &c. Sometimes we meet with Deer hunted on the *Arena* by a pack of Dogs. But the most wonderful Sight was, when by bringing the Water into the Amphitheatre, huge Sea-Monsters were introduc'd to combat with Wild Beasts.

*Nec nobis tantum Sylvæstria cernere monstra
Contigit, æquoreos ego cum certantibus urfis
Spectavi vitulos. Calphurn. Eclog. 7.*

Nor

Nor Sylvan Monsters we alone have view'd,
But huge Sea-Calves dy'd red with hostile Blood }
Of Bears, lie floundring in the wond'rous Flood. }

The Men that engag'd with Wild Beasts had the common Name of *Bestiarii*: Some of these were condemn'd Persons, and have been taken notice of in another place (a): Others hired themselves at a set pay, like the *Gladiators*; and, like them too, had their Schools where they were instructed and initiated in such Combats. We find several of the Nobility and Gentry many times voluntarily undertaking a part in these Encounters. And *Juvenal* acquaints us, that the very Women were ambitious of shewing their Courage on the like occasions, tho' with the Forfeiture of their Modesty.

Cum-----Mœvia Tuscum
Figat aprum, & nudâ teneat venabula mammâ. Sat. 1.

Or when with naked Breast the mannish Whore
Shakes the broad Spear against the *Tuscan Boar*.

And *Martial* compliments the Emperour *Domitian* very handsomly on the same account.

Belliger invictû quod Mars tibi fecit in armis,
Non satis est, Cæsar, fecit & ipsa Venus.
Prostratum vastâ Nemees in valle leonem
Nobile & Herculeum fama canebat opus.
Prisca fides taceat: Nam post tua munera, Cæsar,
Hæc jam fœmineâ vidimus acta manu.

Not Mars alone his bloody Arms shall wield;
Venus, when *Cæsar* bids, shall take the Field, }
Nor only wear the Breeches, but the Shield.
The savage Tyrant of the Woods and Plain,
By *Hercules* in doubtful Combat slain,
Still fills our Ears with the *Nemean Vale*,
And musty Rolls the mighty Wonder tell:
No wonder now; for *Cæsar's* Reign has shown
A Woman's equal Power; the same Renown }
Gain'd by the Distaff which the Club had won. }

(a) Book 3. chap. 20.

Those

Those who cop'd on plain Ground with the Beasts, commonly met with a very unequal Match; and therefore, for the most part, their safety consisted in the nimble turning of their Body, and leaping up and down to delude the force of their Adversary. Therefore *Martial* may very well make a Hero of the Man who slew twenty Beasts, all let in upon him at once, tho' we suppose them to have been of the inferiour kind.

Herculeæ laudis numeretur gloria: plus est
Bis denas pariter perdomuisse feras.

Count the twelve Feats that *Hercules* has done;
Yet twenty make a greater, join'd in one.

But because this way of engaging commonly prov'd successful to the Beasts, they had other ways of dealing with them; as by assailing them with Darts, Spears, and other missile Weapons, from the higher parts of the Amphitheatre, where they were secure from their reach; so as by some means or other they commonly contriv'd to dispatch three or four hundred Beasts in one Shew.

In the Shew of Wild Beasts exhibited by *Julius Cæsar* in his third Consulship, twenty Elephants were oppos'd to five hundred Footmen; and twenty more with Turrets on their Backs, sixty Men being allow'd to defend each Turret, engag'd with five hundred Foot, and as many Horse (a).

The *NAUMACHIÆ* owe their Original to the time of the first *Punic* War, when the *Romans* first initiated their Men in the knowledge of Sea-Affairs. After the improvement of many Years they were design'd as well for the gratifying the Sight; as for encreasing their Naval Experience and Discipline; and therefore compos'd one of the solemn Shews, by which the Magistrates or Emperours, or any Affectors of Popularity so often made their Court to the People.

The usual Accounts we have of these Exercises, seem to represent them as nothing else but the Image of a Naval Fight. But 'tis probable that sometimes they did not engage in any hostile manner, but only row'd fairly for the Victory. This Conjecture may be confirm'd by the Authority of *Virgil*; who is acknowledg'd by all the Critics in his Descriptions of the Games and Exercises, to have had an Eye always on his own Country;

(a) *Plin. Nat. Hist. lib. 8. cap. 7.*

and

and to have drawn them after the manner of the Roman Sports. Now the Sea-contention which he presents us with, is barely a trial of Swiftness in the Vessels, and of Skill in managing the Oars; as it is most admirably deliver'd in his fifth Book :

*Prima pares ineunt gravibus certamina remis
Quatuor ex omni delectæ classe carina, &c.*

The most celebrated *Naumachia*, were those of the Emperour *Domitian*; in which were engag'd such a vast number of Vessels as would have almost form'd two compleat Navies (a) for a proper Fight; together with a proportionable Channel of Water, equalling the Dimensions of a natural River. *Martial* has a very genteel turn on this Subject.

*Si quis ades longis serus spectator ab oris,
Cui lux prima sacri muneris ista dies,
Ne te decipiat ratibus navalis Enyo,
Et par unda fretis : hic modò terra fuit.
Non credis ? Spectes dum laxent æquora Martem :
Parva mora est ; dices hic modò pontus erat.*

Stranger, who e'er from distant parts arriv'd,
But this one sacred Day in Rome has liv'd :
Mistake not the wide Flood, and pompous Shew
Of Naval Combats: Here was Land but now.
Is this beyond your Credit? Only stay
'Tis from the Fight the Vessels bear away ;
You'll cry with wonder, Here but now was Sea !

'Tis related of the Emperour *Heliogabalus*, that in a Representation of a Naval Fight he fill'd the Channel, where the Vessels were to ride, with Wine instead of Water (b). A Story scarce credible, tho' we have the highest Conceptions of his prodigious Luxury and Extravagance.

(a) *Sueton. in Domit. cap. 4.* (b) *Lampridius in Heliogab.*

CHAP.

CHAP. IV.

Of the GLADIATORS.

THE first rise of the *Gladiators* is referr'd to the ancient Custom of killing Persons at the Funerals of great Men. For the old Heathens fancying the Ghosts of the deceas'd to be satisfied, and readred propitious by Human Blood, at first they us'd to buy Captives, or untoward Slaves, and offer'd them at the Obsequies. Afterwards they contriv'd to veil over their impious Barbarity with the specious Shew of Pleasure, and voluntary Combat; and therefore training up such Persons as they had procur'd in some tolerable knowledge of Weapons, upon the Day appointed for the Sacrifices to the departed Ghosts, they oblig'd them to maintain a mortal Encounter at the Tombs of their Friends. The first shew of *Gladiators*

* exhibited at Rome, was that of *M. and * Munus Gladi-*
D. Brutus, upon the death of their Father, *atorium.*
A. U. C. 490. in the Consulship of *Ap. Claudius*, and *M. Fulvius* (a).

Within a little time, when they found the People exceedingly pleas'd with such bloody Entertainments; they resolv'd to give them the like Diversion as often as possible; and therefore it soon grew into a Custom, that not only the Heir of any great or rich Citizen newly deceas'd, but that all the principal Magistrates should take occasions to present the People with these Shews, in order to procuring their Esteem and Affection. Nay, the very Priests were sometimes the Exhibitors of such impious Pomps; for we meet with the *Ludi Pontificales* in *Suetonius* (b), and with the *Ludi Sacerdotes* in *Pliny* (c).

As for the Emperours, it was so much their Interest to ingratiate themselves with the Commonalty, that they oblig'd them with these Shews almost upon all occasions: As on their Birth-day; at the time of a Triumph, or after any signal Victory; at the Consecration of any publick Edifices; at the Games which several of them instituted, to return in such a term of Years; with many others, which occur in every Historian.

(a) *Val. Max. lib. 2. cap. 4.* (b) *August. cap. 44.* (c) *Epist. lib. 7.*
And

And as the occasions of these Solemnities were so prodigiously encreas'd, in the same manner was the length of them, and the number of the Combatants. At the first Shew exhibited by the *Brutti*, 'tis probable there were only three pair of *Gladiators*; as may be gather'd from that of *Ausonius*.

*Tres primas Thracum pugnas, tribus ordine bellis,
Funerada patrio inferias misere Sepulchro.*

Yet *Julius Caesar* in his *Ædileship* presented three hundred and twenty Pair (a). The excellent *Titus* exhibited a Shew of *Gladiators*, wild Beasts, and Representations of Sea-fights an hundred Days together (b): And *Trajan*, as averse from Cruelty as the former, continu'd a Solemnity of this nature an hundred and twenty three Days, during which he brought out a thousand pair of *Gladiators* (c). Two thousand Men of the same Profession were list'd by the Emperour *Osbo* to serve against *Vitellius* (d). Nay, long before this, they were so very numerous, that in the time of the *Catilinarian* Conspiracy, an Order pass'd, to send all the *Gladiators* up and down into the Garrisons, for fear they should raise any disturbance in the City (e), by joining with the disaffected Party. And *Plutarch* informs us, that the famous *Spartacus*, who at last gather'd such a numerous Force as to put *Rome* under some unusual Apprehensions, was no more than a *Gladiator*; who, breaking out from a Shew at *Verona*, with the rest of his Gang, dar'd proclaim War against the *Roman* State (f).

In the mean time, the wiser and the better *Romans* were very sensible of the dangerous Consequence, which a Corruption of this nature might produce; and therefore *Cicero* prefer'd a Law, That no Person should exhibit a Shew of *Gladiators* within two Years before he appear'd Candidate for an Office (g). *Julius Caesar* order'd, that only such a number of Men of this Profession should be in *Rome* at a time (h). *Augustus* decreed that only two Shews of *Gladiators* should be presented in a Year, and and never above sixty pair of Combatants in a Shew (i). *Tiberius* provided by an Order of Senate, That no Person should have the privilege of gratifying the People with such a Solemnity, unless he was worth four hundred thousand *Sesterces* (k).

(a) *Plutarch*, in *Cæsar*. (b) *Dio*, lib. 66. (c) *Dio*, lib. 68. (d) *Tacitus*. (e) *Salust*, *Catilin*. (f) *Plutarch*, in *Crass*. (g) *Cicero* in *Vat*. (h) *Suet*, *Cæs*, cap. 10. (i) *Dio*. (k) *Tacit*, *An*. 4.

Nerva in a great measure regulated this Affair, after the many Abuses of the former Emperours: But the Honour of entirely removing this Barbarity out of the *Roman* World was reserv'd for *Constantine* the Great; which he perform'd about the Year of the City 1067. nigh six hundred Years after their first institution. Yet under *Constantius*, *Theodosius*, and *Valentinian* the same cruel Humour began to revive, 'till a final stop was put to it by the Emperour *Honorius*; the occasion of which is given at large by the Authors of Ecclesiastical History.

Thus much may be proper to observe in general, concerning the Original, Increase, and Restraint of this Custom. For our farther information, it will be necessary to take particular notice of the Condition of the *Gladiators*; of their several Orders or Kinds; and of their manner of Duelling.

As for their Condition, they were commonly Slaves or Captives: For 'twas an ordinary Custom to sell a disobedient Servant to the *Lanista*, or the Instructors of the *Gladiators*, who after they had taught them some part of their Skill, let them out for Money at a Shew. Yet the Freemen soon put in for a share of this Privilege to be kill'd in Jest; and accordingly many times offer'd themselves to hire for the Amphitheatre; whence they had the Name of *Auctorati*. Nay, the Knights and Noblemen, and even the Senators themselves at last were not asham'd to take up the same Profession; some to keep themselves from starving, after they had squander'd away their Estates; and others to curry favour with the Emperours: So that *Augustus* was forc'd to command by a publick Edict, that none of the Senatorian Order should turn *Gladiators* (a): And soon after, he laid the same restraint on the Knights (b). Yet these Prohibitions were so little regarded by the following Princes, that *Nero* presented at one Shew (if the numbers of *Suetonius* are not corrupted) 400 Senators, and 600 of the *Equestrian* Rank (c).

But all this will look like no wonder, when, upon a farther search, we meet with the very Women engaging in these publick Encounters; particularly under *Nero* and *Domitian*. *Juvenal* has expos'd them very handsomly for this mannish Humour in his sixth Satyr.

(a) *Dio*, lib. 48. (b) *Sueton*, *Aug*, cap. 43. *Dio*, lib. 54. (c) *Idem*, *Ner*, cap. 12.

*Quale decus rerum si conjugis audio fiat,
 Bateus & manica, & crista, crurisq; sinistri
 Dimidium tegmen? vel si diversa movebit
 Prælia, tu felix ocreas, vendente puellâ.
 Hæ sunt quæ tenui sudant in cyclade, quarum
 Delicias & panniculus bombycinus urit.
 Adspice quo fremitu monstratos perferat ictus,
 Et quanto galeæ curvetur pondere; quanta
 Poplitibus sedeat, quam denso fascia libro!*

Oh! what a decent fight 'tis to behold
 All thy Wife's Magazine by Auction sold!
 The Belt, the crested Plume, the several Suits
 Of Armour, and the Spanish-Leather Boots!
 Yet these are they that cannot bear the heat
 Of figur'd Silks, and under Sarcenet sweat.
 Behold the strutting Amazonian Whore,
 She stands in Guard with her Right Foot before:
 Her Coats tuck'd up; and all her Motions just:
 She stamps, and then cries hah! at every thrust.

[Mr. Dryden.

Yet the Women were not the most inconsiderable Performers, for a more ridiculous set of Combatants are still behind, and these were the Dwarfs; who encountering one another, or the Women, at these publick Diversions, gave a very pleasant Entertainment. Statius has left us this elegant Description of them.

*Hæ audax subit ordo pumilorum,
 Quos natura brevi statu peractis
 Nodisum semel in globum ligavit.
 Edunt vulnera, conseruntq; dextras,
 Et mortem sibi quæ manu minentur.
 Ridet Mars pater & cruenta Virtus;
 Cassuræq; vagis græves rapinâ
 Mirantur pumiles ferociore.*

To mortal Combat next succeed
 Bold Fencers of the Pygmy breed;
 Whom Nature, when the half had wrought,
 Not worth her farther labour thought,
 But clos'd the rest in one hard Knot.

With

With what a Grace they drive their blow,
 And ward their Jolt-head from their Foe?
 Old Mars and rigid Virtue smile
 At their redoubted Champion's toil.
 And Cranes, to please the Mob let fly,
 Admire to see their Enemy,
 So often by themselves overcome
 Inspir'd with nobler Hearts at Rome.

The several kinds of Gladiators worth observing, were the *Retiarii*, the *Secutores*, the *Myrmillones*, the *Thracians*, the *Samnites*, the *Pinnirapi*, the *Essedarii*, and the *Andabate*: But before we enquire particularly into the distinct Orders, we may take notice of several Names attributed in common to some of every kind, upon various occasions. Thus we meet with the *Gladiatores Meridiani*, who engag'd in the Afternoon, the chief part of the Shew being finish'd in the Morning. *Gladiatores Fiscales*, those who were maintain'd out of the Emperour's *Fiscus*, or private Treasury; such as *Arrian* calls καίσαρος μονομάχους, *Cæsar's Gladiators*: *Gladiatores Postulatii*, commonly Men of great Art and Experience, whom the People particularly desir'd the Emperour to produce, *Gladiatores Cateruarii*, such as did not fight by Pairs, but in small Companies: *Suetonius* uses *cateruarii pugiles* in the same Sense (a). *Gladiatores ordinarii*, such as were presented according to the common manner, and at the usual time, and fought the ordinary way; On which account, they were distinguish'd from the *Cateruarii*, and the *Postulatii*.

As for the several kinds already reckon'd up, they ow'd their distinction to their Country, their Arms, their way of Fighting, and such Circumstances; and may be thus, in short, describ'd:

The *Retiarius* was dress'd in a short Coat, having a *Tuscina* or Trident in his Left-Hand, and a Net in his Right; with which he endeavour'd to entangle his Adversary; and then with his Trident might easily dispatch him. On his Head he wore only a Hat tied under his Chin with a broad Ribbon. The *Secutor* was arm'd with a Buckler, and a Helmet, whereon was the Picture of a Fish, in allusion to the Net. His Weapon was a Seymetar, or *Falx supina*. He was call'd *Secutor*, because if the *Retiarius*, against whom he was always march'd,

(a) Aug. cap. 45.

should happen to fail in casting his Net, his only safety lay in flight; so that in this case he ply'd his Heels as fast he could about the place of Combat, 'till he had got his Net in order for a second throw: In the mean time this *Secutor*, or Follower, pursu'd him, and endeavour'd to prevent his design. *Juvenal* is very happy in the Account he gives us of a young Nobleman that scandalously turn'd *Retiarius* in the Reign of *Nero*: Nor is there any relation of this sort of Combat so exact in any other Author.

Et illic

*Dedecus urbis habes: nec myrmillonis in armis
Nec clypeo Gracchum pugnantem & falce supinâ,
(Damnat enim tales habitus, sed damnat & odit.)
Nec galeâ faciem abscondit; movet ecce tridentem,
Postquam librata pendentia rerum dextrâ
Nequicquam effudit, nudum ad spectacula vultum
Erigit, & totâ fugit agnoscendus arenâ.
Credamus tunice, de faucibus aurea cum se
Porrigat, & longo jactetur spira galero.
Ergo ignominiam graviolem pertulit omni
Vulnere, cum Graccho jussus pugnare secutor.* Sat. 8.

Go to the Lists where Feats of Arms are shown,
There you'll find *Gracchus* (from *Patrician*) grown }
A Fencer, and the scandal of the Town.
Nor will he the *Myrmillo's* Weapons bear,
The modest *Helmet* he disdains to wear.
As *Retiarius* he attacks his Foe:
First waves his *Trident* ready for the throw,
Next casts his Net, but neither levell'd right, }
He stares about, expos'd to publick sight,
Then places all his safety in his flight, }
Room for the noble *Gladiator*! see
His Coat and Hatband show his Quality.
Thus when at last the brave *Myrmillo* knew
'Twas *Gracchus* was the Wretch he did pursue,
To conquer such a Coward griev'd him more,
Than if many glorious Wounds had bore.

[Mr. Stepney.

Here the Poet seems to make the *Myrmillo* the same as the *Secutor*; and thus all the Comments explain him, Yet *Lipsius*

us will have the *Myrmillones* to be a distinct Order, who fought completely arm'd; and therefore he believes them to be the *Crupellarii* of *Tacitus* (a); so call'd from some old *Gallick* Word, expressing that they could only creep along by reason of their heavy Armour.

The *Thracians* made a great part of the choicest *Gladiators*, that Nation having the general repute of Fierceness and Cruelty beyond the rest of the World. The particular Weapon they us'd was the *Sica*, or Fauchion; and their defence consisted in a *Parma*, or little round Shield, proper to their Country.

The Original of the *Samnite* Gladiators is given us by *Livy*; The *Campanians* (says he) bearing a great hatred to the *Samnites*, they arm'd a part of their Gladiators after the fashion of that Country, and call'd them *Samnites* (b). What these Arms were, he tells us in another place: They wore a Shield broad at the top, to defend the Breast and Shoulders, and growing more narrow toward the bottom, that it might be mov'd with the greater Convenience. They had a sort of Belt coming over their Breast, a Greave on their Left Foot, and a crested Helm on their Heads. Whence it is plain, that the Description of the *Amazonian* Fencer already given from *Juvenal*, is expressly meant of assuming the Armour and Duty of a *Samnite* Gladiator.

*Buteus & manica, & crista, crurisq; sinistri
Dimidium tegmen.*

The *Pinna*, which adorn'd the *Samnite's* Helmet denominated another sort of Gladiators, *Pinnirapi*; because, being match'd with the *Samnites*, they us'd to catch at those *Pinnae*, and bear them off in Triumph, as marks of their Victory. Dr. *Holyday* takes the *Pinnirapi* to be the same as the *Retiarius* (c).

Lipsius fancies the *Provocatores*, mention'd by *Cicero* in his Oration for *Pestius*, to have been a distinct Species, and that they were generally match'd with the *Samnites*. Though perhaps the Words of *Cicero* may be thought not to imply so much.

The *Hoplomachi*, whom we meet with in *Seneca* (d) and *Suetonius* (e), may probably be the same either with the *Samnites*, or the *Myrmillones*; call'd by the Greek Name *παλαμάχοι*, because they fought in Arms.

(a) *Annal.* 3. (b) *Lib.* 9. (c) Illustration on *Juvenal*, Sat. 3.
(d) *Controvers.* lib. 3. (e) In *Calig.* 35.

The *Effedarii*, mention'd by the same Authors (a), and by Tully (b), were such as on some occasions engag'd one * *Effeda* another out of Chariots *: Tho' perhaps at other times, they fought on Foot like the rest. The *Effedum* was a sort of Waggon, from which the *Gauls* and the *Britains* us'd to assail the *Romans* in their Engagements with them.

The *Andabata*, or *Andabatarum*, fought on Horseback, with a sort of Helmet that cover'd all the Face and Eyes; and therefore *Andabatarum more pugnare* is to combat blindfold.

As to the manner of the Gladiators Combats, we can't apprehend it fully, unless we take in what was done before, and what after the Fight, as well as the actual Engagement. When any Person design'd to oblige the People with such a Show, he set up Bills in the publick Places, giving an account of the time, the number of the Gladiators, and other Circumstances. This they call'd *Manus pronunciare*, or *proponere*; and the *Libelli*, or Bills, were sometimes term'd *Edicta*. Many times, besides these Bills, they set up great Pictures, on which were describ'd the manner of the Fight, and the Effigies of some of the most celebrated Gladiators, whom they intended to bring out. This Custom is elegantly describ'd by Horace. Book 2. Sat. 7.

*Vel cum Pauflagi torpes insane tabellæ,
Quæ peccas miris atque ego, cum Fulvi Rutulæq;
Aut Placidæam comento poplite miror
Prælia, rubricâ picta aut carbone, velut si
Revera pugnent, feriant, vitentq; moventes
Arma viri?*

Or when on some rare Piece you wondring stand,
And praise the Colours, and the Master's Hand,
Are you less vain than I, when in the Street
The painted Canvass holds my ravish'd Sight?
Where with bent Knees the skillful Fencers strive
To spend their Pains, as if they mov'd alive:
And with new Sleights, so well express'd, engage,
That I, amaz'd, stare up, and think them on the Stage.

At the appointed Day for the Show, in the first place the Gladiators were brought out all together, and oblig'd to take a Cir-

(a) Senec. Epist. 39. Sueton. Calig. 35. Claud. 21. (b) In Epistola.

cuit round the *Arena*, in a very solemn and pompous manner. After this, they proceeded *paria componere*, to match them by Pairs; in which great care was us'd to make the Matches equal. Before the Combatants fell to't in earnest, they try'd their Skill against one another with more harmless Weapons, as the *Rudes*, and the *Spears* without Heads, the blunted Swords, the Files, and such like. This Cicero admirably observes; *Si in illo ipso gladiatorio vitæ certamine, quo ferro decernitur, tamen ante congressum multa fiunt, quæ non ad vulnus, sed ad speciem valere videntur; quanto magis hoc in Oratione expectandum est?* If in the Mortal Combats of the Gladiators, where the Victory is decided by Arms, before they actually engage, there are several Flourishes given, more for a show of Art than a design of hurting: How much more proper would this look in the Contention of an Orator? This Flourishing before the Fight, they call'd in common *Prælusio*; or in respect of the Swords, only *Ventilatio*. This Exercise was continu'd till the Trumpets sounding gave them notice to enter on more desperate Encounters; and then they were said *vertere Arma*.

—Ita rem natam esse intelligo,
Necessum est vovsis armis depugnariæ. Plaut.

The Terms of striking were *Petere* and *Repetere*; of avoiding a Blow, *exire*.

Corpora tela modo, atq; oculis vigilantibus exit. Virg.

When any Person receiv'd a remarkable Wound, either his Adversary or the People, us'd to cry out *habet*, or, *hoc habet*. This Virgil alludes to *Aeneid*. 12.

—Telosq; orantem multa, trabali
Desuper altus equo graviter ferit atque ita fatur:
Hoc habet: hæc magnis melior data victima divis.

—Him, as much he pray'd,
With his huge Spear *Messapus* deeply strook,
From his high Courser's Back; and chafing, spoke,
He has it; and to this auspicious Blow
A nobler Victim the great Gods shall owe.

The Party who was worsted *submitted his Arms*, and acknowledg'd himself conquer'd: Yet this wou'd not save his Life, unless the People pleas'd, and therefore he made his Application to them for Pity. The two Signs of Favour, and Dislike given by the People, were *Premere pollicem*, and *Vertere pollicem*, Phrases which the Criticks have quarrell'd much about, to little purpose. But Monsieur *Dacier* seems to have been more happy in his Explanation than his Predecessors. The former he takes to be a clenching of the Fingers of both Hands between one another, and so holding the two Thumbs upright close together. This was done to express their Admiration of the Art and Courage show'd by both Combatants, and a sign to the Conqueror to spare the Life of his Antagonist, as having perform'd his Part remarkably well. Hence *Horace*, to signify the extraordinary Commendation that a Man could give to one of his own Temper and Inclinations, uses

Fautor utroque tuum laudabit pollice ludum.

And *Menander* has *δακτύλος μίξεν*, to press the Fingers; a Custom on the Grecian Stage, design'd for a mark of Approbation, answerable to our Clapping.

But the contrary Motion or Bending back of the Thumbs, signified the dissatisfaction of the Spectators, and authoriz'd the Victor to kill the other Combatant out-right for a Coward.

————— *Verso pollice vulgi*
Quemlibet occidunt populariter. Juv. Sat. 3.

Where influenc'd by the Rabbles bloody Will,
With Thumbs bent back they popularly kill.

Besides this Privilege of the People, the Emperours seem to have had the liberty of saving whom they thought fit, when they were present at the Solemnity: And perhaps upon the bare coming in of the Emperour into the place of Combat, the Gladiators, who in that instant had the worst of it, were deliver'd from farther danger.

Cæsaris adventu tutâ Gladiator arenâ
Exit, & auxilium non leve vultus habet. Martial.

Where

Where *Cæsar* comes the worsted Fencer lives,
And his bare Presence (like the Gods) reprieves.

After the Engagement there were several Marks of Favour conferr'd on the Victors; as many times a Present of Money, perhaps gather'd up among the Spectators; which *Juvenal* alludes to Sat. 7.

Accipe victori populus quod postulat aurum.

————— take the Gains,
A conqu'ring Fencer from the Crowd obtains.

But the most common Rewards were the *Pileus* and the *Rudis*: The former was given only to such Gladiators as were Slaves, for a Token of their obtaining Freedom. The *Rudis* seems to have been bestow'd both on Slaves and Freemen; but with this difference, that it procur'd for the former no more than a discharge from any farther Performance in publick; upon which they commonly turn'd *Lanistæ*, spending their time in training up young Fencers. *Ovid* calls it *tuta Rudis*.

Tutaque deposito poscitur ense rudis.

But the *Rudis* when given to such Persons as; being free, had hir'd themselves out for these Shows, restor'd them to a full Enjoyment of their Liberty: Both these sorts of *Rudiarii*, being excus'd from farther Service, had a Custom to hang up their Arms in the Temple of *Hercules*, the Patron of their Profession; and were never call'd out again without their consent. *Horace* has given us a full account of this Custom in his first Epistle to *Mecenas*.

Primâ dicte mihi summâ dicende camenâ,
Spectatum satis & donatum jam rude, queris,
Mecenas, iterum antiquo me includere ludo.
Non eadem est ætas, non mens. Vejanus armis
Herculis ad postem fixis, latet abditus agro;
Ne populum extremâ toties exoret arenâ.

Mecenas,

Mæneas, you whose Name and Titles grac'd
My early Labours, and shall crown my last:
Now when I've long engag'd with with'd Success,
And, full of Fame, obtain'd my Writ of Ease:
While sprightly Fancy sinks with heavy Age,
Again you'd bring me on the doubtful Stage.
Yet wise *Veianius*, hanging up his Arms
To *Hercules*, some little Cottage farms:
Least he be forc'd, if giddy Fortune turns,
To cringe to the vile Rabble whom he scorns.

The learned *Dacier*, in his Observations on this Place acquaints us, That 'twas a Custom for all Persons, when they laid down any Art or Employment, to consecrate the proper Instruments of their Calling, to the particular Deity, who was acknowledg'd for the President of that Profession. And therefore the Gladiators, when thus discharg'd, hung up their Arms to *Hercules*; who had a Chappel by every Amphitheatre; and where there were no Amphitheatres, in the *Circo's*, and over every place assign'd to such manly Performances, there stood a *Hercules* with his Club.

We may take our leave of the Gladiators with the excellent Passage of *Cicero*, which may serve in some measure as an Apology for the Custom. *Crudele Gladiatorum spectaculum & inhumanum nonnullis videri solet: & haud scio an non ita sit, ut nunc sit: cum verò fontes ferro depugnabant auribus fortasse multæ, oculis quidem nulla poterat esse fortior contra dolorem & mortem disciplina (a).* The Shows of Gladiators may possibly to some Persons seem barbarous and inhuman: And indeed, as the Case now stands, I can't say that the Censure is unjust: But in those times, when only guilty Persons compos'd the number of Combatants, the Ear perhaps might receive many better Instructions; but 'tis impossible that any thing which affects our Eyes, should fortifie us with more success against the Assaults of Grief and Death.

(a) *Tascul. Quest. 2.*

CHAP.

CHAP. V.

Of the LUDI SCENICI, or Stage-Plays: And first of the Satires, and the Mimick-Pieces, with the Rise and Advances of such Entertainments among the Romans.

THE *LUDI SCENICI*, or Stage-Plays, have been commonly divided into four Species, Satire, Mimick, Tragedy, and Comedy. The elder *Scaliger* will have Satire to have proceeded from Tragedy, in the same manner as the *Mimus* from Comedy: But we are assur'd this was in use at *Rome*, long before the more perfect Drama's had gain'd a place on the Stage. Nor has the same excellent Critick been more happy in tracing the Original of this sort of Poetry as far as *Greece*: For we cannot suppose it to bear any resemblance to the Chorus or Dance of Satires, which us'd to appear in the Theatres at *Athens*, as an Appendage to some of their Tragedies, thence call'd *Satyræ*. This kind of *Greek* Farce was taken up purely in the Characters of Mirth and Wantonness, not admitting those Sarcastical Reflections, which were the very Essence of the *Roman* Satire. Therefore *Casaubon* and *Dacier*, without casting an Eye toward *Greece*, make no question but the Name is to be deriv'd from *Satura*, a *Roman* Word, signifying full: The (u) being chang'd into an (i), after the same manner as *optumus* and *maxumus*, were afterwards spell'd *optimus* and *maximus*. *Satura* being an Adjective, must be suppos'd to relate to the Substantive *Lanx*, a Platter or Charger; such as they fill'd yearly with all sorts of Fruit, and offer'd to the Gods at their Festivals, as the *Primitiæ*, or first Gatherings of the Season. Such an Expression might be well applied to this kind of Poem, which was full of various Matter, and written on different Subjects. Nor are there wanting other Instances of the same way of speaking; as particularly *per Saturam Sententias exquirere*, is us'd by *Salust*, to signify the way of Voting in the Senate, when neither the Members were told, nor the Voices counted, but all gave their Suffrages promiscuously, and without observing any Order. And the *Historiæ Saturæ*, or *per Saturam* of *Festus*, were nothing else but Miscellaneous Tracts of History. The Original of the *Roman* Satire,

Satire, will lead us into the Knowledge of the first Representations of Persons, and the rude Essays towards Dramatick Poetry in the Rustick Ages of *Rome*; for which we are beholden to the accurate Research of *Dacier*, and the Improvement of him by *Mr. Dryden*.

During the space of almost Four hundred Years from the building of the City, the *Romans* had never known any Entertainments of the Stage: Chance and Jollity first found out those Verses, which they call'd *Saturnian*, because they suppos'd such to have been in use under *Saturn*; and *Fescennine*, from *Fescennia*, a Town in *Tuscany*, where they were first practis'd. The Actors, upon Occasions of Merriment, with a gross and rustick kind of Raillery, reproach'd one another *Ex tempore*, with their Failings; and at the same time, were nothing sparing of it to the Audience. Somewhat of this Custom was afterwards retain'd in their *Saturnalia*, or Feast of *Saturn*, celebrated in *December*: At least all kind of freedom of Speech was then allow'd to Slaves, even against their Masters: And we are not without some Imitation of it in our *Christmas-Gambols*. We can't have a better Notion of this rude and unpolish'd kind of Farce, than by imagining a Company of Clowns on a Holy-day dancing lubberly, and upbraiding one another in *Ex tempore* Doggrel, with their Defects and Vices, and the Stories that were told of them in Bake-Houses, and Barbers Shops.

This rough-cast unbewn Poetry was instead of Stage-Plays, for the space of an Hundred and twenty Years together: But then, when they began to be somewhat better bred, and entred, as one may say, into the first Rudiments of Civil Conversation, they left these Hedge-notes for another sort of Poem, a little more polish'd, which was also full of pleasant Raillery, but without any mixture of Obscenity. This new Species of Poetry appear'd under the Name of Satire, because of its variety, and was adorn'd with Compositions of Musick, and with Dances.

When *Lucius Andronicus*, about the Year of *Rome* 514. had introduc'd the new Entertainments of Tragedy and Comedy, the People neglected and abandon'd their old Diversion of Satires: But not long after, they took them up again, and then they join'd them to their Comedies, playing them at the end of the *Drama*; as the *French* continue at this Day to act their Farces in the nature of a separate Representation from their Tragedies.

A Year after *Andronicus* had open'd the *Roman* Stage with his new Drama's, *Ennius* was born; who when he was grown to Man's Estate, having seriously consider'd the Genius of the People, and how eagerly they follow'd the first Satires, thought it would be worth his while, to refine upon the Project, and to write Satires, not to be acted on the Theatre, but read. The Event was answerable to his Expectation, and his Design being improv'd by *Pacuvius*, adorn'd with a more graceful Turn by *Lucilius*, and advanc'd to its full height by *Horace*, *Juvenal*, and *Persius*, grew into a distinct Species of Poetry, and has ever mer with kind Reception in the World. To the same Original we owe the other sort of Satire, call'd *Varronian*, (from the learned *Varro* who first compos'd it.) This was written freely, without any restraint to Verse or Prose, but consisting of an intermixture of both: Of which nature are the *Satyricon* of *Petronius*, *Seneca's* mock Deification of the Emperor *Claudius*, and *Boethius's* Consolations.

As for the *Mimus*, from *Mimædon*, to imitate, *Scaliger* defines it, to be a Poem imitating any sort of Actions, so as to make them appear ridiculous (a). The Original of it, he refers to the Comedies; in which, when the Chorus went off the Stage, they were succeeded by a sort of Actors who diverted the Audience, for some time with Apish Postures, and Antick Dances. They were not mask'd, but had their Faces smear'd over with Soor, and dress'd themselves in Lamb-skins, which are call'd *Pescia* in the old Verses of the *Salli*. They wore Garlands of Ivy, and carried Baskets full of Herbs and Flowers to the Honour of *Bacchus*, as had been observ'd in the first Institution of the Custom at *Athens*. They acted always bare-foot, and were thence call'd *Planipedes*.

These Diversions being receiv'd with universal Applause by the People, the Actors took assurance to model them into a distinct Entertainment from the other Plays, and present them by themselves. And perhaps it was not 'till now, that they undertook to write several Pieces of Poetry with the Name of *Mimi*, representing an imperfect sort of Drama, not divided into Acts and perform'd only by a single Person. These were a very frequent Entertainment of the *Roman* Stage, long after Tragedy and Comedy had been advanc'd to their full height, and seem to have always maintain'd a very great Esteem in the Town

(a) De re Poet. lib. 1. cap. 10.

The two famous Mimicks, or *Pantomimi*, as they call'd them, were *Laberius* and *Publius*, both Contemporary to *Julius Caesar*. *Laberius* was a Person of the Equestrian Rank, and at Threescore Years of Age, acted the Mimick Pieces of his own composing, in the Games which *Caesar* presented to the People; for which he receiv'd a Reward of Five hundred *Sestertia*, and a Gold Ring, and so recover'd the Honour which he had forfeited by performing on the Stage (b). *Macrobius* has given us part of a Prologue of this Author, wherein he seems to complain of the Obligation which *Caesar* laid on him to appear in the Quality of an Actor, so contrary to his own Inclinations, and to the former Course of his Life: Some of them, which may serve for a taste of his Wit and Style, are as follows:

*Fortuna immoderata in bono æque atque in malo,
Si tibi erat libitum litterarum laudibus
Floris cacumen nostræ famæ frangere,
Cur, cum vigebam membris prævidantibus
Satisfacere populo & tali cum poteram viro,
Non flexibilem me concurvastis ut carperes?
Nunc me quò dejicis? Quid ad scenam afferro:
Decorum formæ, an dignitatem corporis,
Animi virtutem, an vocis jucundæ sonum?
Ut hedera serpens vires arboreas necat;
Ita me vetustas amplexu annorum enecat.
Sepulchri similis nihil nisi nomen retineo.*

Horace indeed expressly taxes his Composures with want of Elegance (c): But *Scaliger* (d) thinks the Censure to be very unjust; and that the Verses cited by *Macrobius* are much better than those of *Horace*, in which this Reflection is to be found.

There goes a sharp Repartee of the same *Laberius* upon *Tully*, when upon receiving the Golden Ring of *Caesar*, he went to resume his Seat among the Knights; they, out of a Principle of Honour, seem'd very unwilling to receive him; *Cicero* particularly told him, as he pass'd by, That indeed he would make room for him with all his Heart, but that he was squeez'd up already himself. No wonder, (says *Laberius*) that you who commonly make use of two Seats at once, fancy your self squeez'd up, when you sit like other People. In which he

(b) *Sueton. in Jul. cap. 39. Macrobi. Saturn. lib. 2, cap. 7. (c) Lib. 1. Sat. 10. (d) De re Poët. lib. 1. cap. 10.*

gave a very severe wipe on the double dealing of the Orator (a).

Publius was a Syrian by Birth; but receiv'd his Education at *Rome* in the Condition of a Slave. Having by several Specimens of Wit obtain'd his Freedom, he set to write Mimick Pieces, and acted them with wonderful Applause about the Towns in *Italy*. At last, being brought to *Rome*, to bear a part in *Caesar's* Plays, he challeng'd all the Dramatick Writers and Actors, and won the Prize from every Man of them one by one, even from *Laberius* himself (f). A Collection of Sentences taken out of his Works are still extant. *Joseph Scaliger* gives them a very high Eucumium, and thought it worth his while to turn them into Greek.

(a) *Macrobi. Saturn. lib. 2. cap. 7. (b) Idem lib. 2. cap. 7.*

CH A P. VI.

Of the Roman Tragedy and Comedy.

THE Roman Tragedy and Comedy were wholly borrow'd from the *Grecians*, and therefore do not so properly fall under the present Design: Yet in order to a right understanding of these Pieces, there is Scope enough for a very useful Enquiry, without roaming so far as *Athens*, unless upon a necessary account. The Parts of a Play agreed on by ancient and modern Writers, are these four: First, The *Protafis*, or Entrance, which gives a Light only to the Characters of the Persons, and proceeds very little to any part of the Action. Secondly, The *Epi-tasis*, or working up of the Plot, where the Play grows warmer; the Design or Action of it is drawing on, and you see something promising that it will come to pass. Thirdly, The *Catastasis*, or, in a Roman Word, the *Status*, the height and full growth of the Play: This may properly be call'd the Counter-turn, which destroys that Expectation, imbroils the Action in new Difficulties, and leaves us far distant from that Hope in which it found us. Lastly, The *Catastrophe*, or *Αύτη*: the discovery, or unravelling of the Plot: Here we see all things settling again on their first Foundations; and the Obstacles which hindered the

the Design or Action of the Play once remov'd, it ends with that resemblance of Truth and Nature, that the Audience are satisfis'd with the Conduct of it (a). It's a question, whether the first *Roman Drama's* were divided into Acts; or at last it seems probable, that these were not admitted into Comedy till after it had lost its Chorus, and so stood in need of some more necessary Divisions than could be made by the Musick only. Yet the five Acts were so establish'd in the time of *Horace*, that he gives it for a Rule,

*Neve minor, neu sit quinto productior actu
Fabula.*

The distinction of the Scenes seems to have been an Invention of the Grammarians, and is not to be found in the old Copies of *Plautus* and *Terence*; and therefore these are wholly left out in the late excellent Translations.

The *Drama's* presented at *Rome*, were divided in general into *Palliate* and *Togate*, *Grecian*, and properly *Roman*: In the former, the Plot being laid in *Greece*, the Actors were habited according to the fashion of that Country; in the other the Persons were suppos'd to be *Romans*. But then the Comedies, properly *Roman* were of several sorts: *Prætextata*, when the Actors were suppos'd to be Persons of Quality, such as had the liberty of wearing the *Prætexta*, or Purple Gown: *Tabernaria*, when the *Taberne*, low ordinary Buildings were express'd in the Scenes, the Persons being of the lower Rank. *Suetonius* (b) informs us, That *C. Melissus*, in the time of *Augustus*, introduc'd a new sort of *Togate*, which he call'd *Trabeata*. *Monsieur Dacier* is of Opinion, that they were wholly taken up in Matters relating to the Camp, and that the Persons represented were some of the chief Officers (c): For the *Trabea* was the proper Habit of the Consul when he set forward on any Warlike Design. There was a Species of Comedy different from both these, and more inclining to Farce, which they call'd *Atellane*, from *Atella*, a Town of the *Oscians* in *Campania*, where it was first invented. The whole design of it was Mirth and Jestings, (tho' sometimes with a mixture of Debauchery, and lascivious Postures) and therefore they were not reckon'd among the *Histriones*, or common Players; but kept the benefit of their Tribe, and might be list'd for Soldiers, a Privilege allow'd only to

(a) Mr. Dryden's Dramat. Essay. (b) De claris Grammat. 21. (c) Not. on *Horace's* Art Poet.

Freemen. Sometimes perhaps the *Atellane* were presented between the Acts of other Comedies, by way of *Exodium*, or Interlude: As we meet with *Exodium Atellanicum* in *Suetonius* (d).

Tho' all the Rules by which the *Drama* is practis'd at this Day, neither such as relate to the Justness and Symmetry of the Plot, or the Episodical Ornaments; such as Descriptions, Narrations, and other Beauties not essential to the Play, were deliver'd to us by the Ancients, and the Judgment which we make of all Performances in this kind, are guided by their Examples and Directions; yet there are several things belonging to the old Dramatick Pieces, which we cannot at all understand by the Modern, since, not being essential to these Works, they have been long disus'd. Of this sort we may reckon up, as particularly worth our Observation, the Buskin and the Sock, the Masques, the Chorus, and the Flutes.

The *Cothurnus* and the *Soccus*, were such eminent Marks of Distinction between the old Tragedy and Comedy, that they were brought, not only to signify those distinct Species of Dramatick Poetry, but to express the sublime and the humble Style in any other Compositions: As *Martial* calls *Virgil*, *Cothurnatus*, tho' he never meddled with Tragedy.

Grande Cothurnati pone Maron's opus.

This *Cothurnus* is thought to have been a square/high sort of Boot, which made the Actors appear above the ordinary size of Mortals, such as they suppos'd the old Heroes to have generally been; and at the same time giving them leave to move but slowly, were well accommodated to the State and Gravity which Subjects of that nature requir'd. Yet 'tis plain they were not in use only on the Stage; for *Virgil* brings in the Goddess *Venus* in the Habit of a *Tyrian* Maid, telling *Aeneas*,

*Virginibus Tyrii mos est gestare pharetras,
Purpureoque altè furas vincere cothurno.*

From which it appears, that the Hunters sometimes wore Buskins to secure their Legs: But then we must suppose them to be much lighter and better contriv'd than the other, for fear they should prove a hindrance to the Swiftnes and Agility re-

(d) *Tiber* 45.

quir'd in that Sport. The Women in some Parts of *Italy*, still wear a sort of Shooes, or rather Strils, somewhat like these Buskins, which they call *Cioppini*: *Lassels* informs us, that he had seen them at *Venice* a full half-yard high.

The *Socci* were a slight kind of covering for the Feet, whence the Fashion and the Name of our Socks are deriv'd. The *Comedians* wore these to represent the vility of the Persons they represented; as debauch'd young Sparks, old crazy Misers, Pimps, Parasites, Strumpets, and the rest of that Gang. For the Sock being proper to the Women, as it was very light and thin, was always counted scandalous when worn by Men. Thus *Seneca* (a) exclaims against *Caligula* for sitting to judge upon Life and Death in a rich pair of Socks adorn'd with Gold and Silver.

Another Reason why they were taken up by the Actors of Comedy might be, because they were the fittest that can be imagin'd for dancing. Thus *Catullus* invokes *Hymen* the Patron of Weddings.

*Huc veni niveo gerens
Luteum pede soccum;
Exitus hilaris die
Voce Carmina tinnula
Pelle humum pedibus.*

The *Persona*, or Masque *Agellius* (b) derives (according to an old Author) from *Persono*, to sound throughly; because these Vizards being put over the Face, and left open at the Mouth, rendred the Voice much clearer and fuller, by contracting it into a lesser compass. But *Scaliger* will not allow of this Conjecture. However the reason of it (which is all that concerns us at present) appears from all the old Figures of the Masques, in which we find always a very large wide hole design'd for the Mouth. *Madam Dacier*, who met with the Draughts of the Comick Vizards in a very old Manuscript of *Terence*, informs us, that they were not like ours which cover only the Face: But that they came over the whole Head, and had always a sort of Peruque of Hair fasten'd on them, proper to the Person whom they were to represent.

The Original of the Masque is referr'd by *Horace* to *Æschylus*; whereas before the Actors had no other disguise, but to

(a) De Benefic. lib. 2. cap. 12. (b) Noct. lib. 5. cap. 7.

smear

smear over their Faces with odd Colours; and yet this was well enough when their Stage was no better than a Cart.

*Ignotum Tragicæ genus invenisse Camæna
Dicitur, & plaustris vexisse Poemata Thespis,
Quæ canerent agerentq; perunctis facibus ora,
Post hunc personæ pallæq; repertor honestæ
Æschylus & modicæ implevit pulpita tignis;
Et docuit magnumq; loqui, nitiq; Coturno.*

When *Thespis* first expos'd the Tragick Muse,
Rude were the Actors, and a Cart the Scene;
Where ghastly Faces, stain'd with Lees of Wine,
Frighted the Children, and amus'd the Croud.
This *Æschylus* (with Indignation) saw,
And built a Stage, found out a decent Dress;
Brought Vizards in (a civiler disguise)
And taught Men how to speak and how to act.

My Lord Roscommon.

The *Chorus Hedelin* defines to be, a Company of Actors, representing the Assembly, or Body of those Persons, who either were present, or probably might be so, upon that Place or Scene, where the business was suppos'd to be transacted. This is exactly observ'd in the four *Græcian Dramatick Poets*, *Æschylus*, *Sophocles*, *Euripides* and *Aristophanes*: But the only *Latin Tragedies* which remain, those under the Name of *Seneca*, as they are faulty in many Respects, so particularly are they in the *Chorus's*: For sometimes they hear all that's said upon the Stage, see all that's done, and speak very properly to all: At other times one wou'd think they were blind, deaf, or dumb. In many of these *Drama's* one can hardly tell whom they represent, how they were dress'd, what reason brings them on the Stage, or why they are of one Sex more than of another. Indeed the Verses are fine, full of Thought, and over-loaded with Conceit; but may in most places be very well spar'd, without spoiling any thing either in the Sence or the Representation of the Poem. Besides, the *Theban* has no *Chorus* at all; which may give us occasion to doubt of what *Scaliger* affirms so positively, That Tragedy was never without *Chorus's*. For it seems probable enough, that in the time of the debauch'd and loose Emperours, when Mimicks and Buffoons came in for Interludes to Tragedy as well as Comedy, the *Chorus* ceas'd by degrees to be a part of

the Dramatick Poem, and dwindled into a Troop of Musicians and Dancers, who mark'd the Intervals of the Acts.

The Office of the *Chorus* is thus excellently deliver'd by *Horace*,

*Actoris partes Chorus officiumq; virile
Defendat : neu quid medios intercinat actus
Quod non proposito conducatur & bareat aptè.
Ille bonis faveatq; & concilietur amicis,
Et regat iratos, & amet peccare timentes;
Ille dapes laudet mense brevis; ille salubrem
Iustitiam, legesq; & apertis otia portis,
Ille tegat commissa; deosq; precetur & oret
Ut redeat miserum, abeat fortuna superbis.*

A *Chorus* should supply what Action wants
And has a generous and manly part;
Bridles wild Rage, loves rigid Honesty,
And strict observance of impartial Laws;
Sobriety, Security, and Peace:
And begs the Gods to turn blind Fortune's Wheel;
To raise the wretched, and pull down the Proud.
But nothing must be sung between the Acts
But what some way conduces to the Plot.

My Lord Roscommon.

This Account is chiefly to be understood of the *Chorus* of Tragedies; yet the old Comedies, we are assur'd, had their *Chorus*'s too, as yet appears in *Aristophanes*; where, besides those compos'd of the ordinary sort of Persons, we meet with one of Clouds, another of Frogs, and a third of Wasps; but all very conformable to the nature of the Subject, and extremely Comical.

'Twould be foreign to our present purpose to trace the Original of the *Chorus*, and to shew how it was regulated by *Theſpis*, (generally honour'd with the Title of the first Tragedian;) whereas before 'twas nothing else but a Company of Musicians singing and dancing in the honour of *Bacchus*. It may be more proper to observe how it came, after some time, to be left out in Comedy, as it is in that of the *Romans*. *Horace*'s Reason is, that the Magnignity and Satyrical Humour of the Poets was the cause of it;

for

for they made the *Chorus*'s abuse People so severely, and with so bare a Face, that the Magistrates at last forbade them to use any at all.

————— *Chorusque*
Turpiter obtruncit, sublato jure nocendi.

But perhaps, if the Rules of probability had not likewise seconded this Prohibition, the Poets would have preserv'd their *Chorus* still, bating the Satirical Edge of it. Therefore a farther Reason may be offer'd for this Alteration. Comedy took its Model and Constitution from Tragedy; and when the down-right abusing of living Persons was prohibited, they invented new Subjects, which they govern'd by the Rules of Tragedy; but as they were necessitated to paint the Actions of the Vulgar, and consequently confin'd to mean Events, they generally chose the place of their Scene in some Street before the Houses of those whom they suppos'd concern'd in the Plot: Now it was not very likely that there should be such a Company in those places, managing an Intrigue of inconsiderable Persons from Morning till Night. Thus Comedy of it self let fall the *Chorus*, which it could not preserve with any probability.

The *Tibia*, or Flutes, are as little understood as any particular Subject of Antiquity; and yet without the knowledge of them we can make nothing of the Titles prefix'd to *Terence*'s Comedies. *Horace* gives us no farther light into this matter, than by observing the difference between the small rural Pipe, and the larger and louder Flute afterwards brought into fashion: However his Account is not to be pass'd by:

*Tibia non ut nunc orichalco vineta, tubæq;
Æmula; sed tenui simplexq; foramine pauco,
Adspirare & adesse chori erat utilis, atq;
Nondum spissa nimis complere sedilia statu,
Quo sanè populus numerabilis, utpote parvus,
Et frugis casusq; verecundusq; coibat.
Postquam cepit agros extendere victor, & urbem
Latior amplecti murus, vinoq; diurno
Placari Genius festis impune diebus;
Accessit numerisq; modisq; licentia major.
Indoctus quid enim saperet, liberq; laborum
Rusticus Urbano confusus, turpis honesto?*

*Sic prisca motumq; & luxuriam addidit arti
Tibicen, traxitq; vagus per pulpita vestem.*

First the shrill sound of a small rural Pipe,
(Not loud like Trumpets, nor adorn'd as now)
Was Entertainment for the Infant Stage,
And pleas'd the thin and bashful Audience,
Of our well-meaning frugal Ancestors.
But when our Walls and Limits were enlarg'd,
And Men (grown wanton by Prosperity)
Studied new Arts of Luxury and Ease;
The Verse, the Musick, and the Scenes improv'd;
For how should Ignorance be Judge of Wit,
Or Men of Sense applaud the Jest of Fools?
Then came rich Clothes, and graceful Action in,
And Instruments were taught more moving Notes.

My Lord Roscommon.

This Relation, tho' very excellent, cannot save the main difficulty, and that is, to give the proper distinction of the Flutes, according to the several Names under which we find them, as the *Pares*, and *Impares*, the *Dextra* and *Sinistra*, the *Lydia*, the *Sarrana*, and the *Phrygia*. Most of the eminent Criticks have made some Essays towards the clearing of this Subject, particularly *Scaliger*, *Aldus Manutius*, *Salmasius*, and *Tanaquillus Faber*; from whose Collections, and her own admirable Judgment, Madam *Dacier* has lately given us a very rational Account of the Matter. The Performers of the Musick (says she) 'play'd always on two Flutes, the whole time of the Comedy. That which they stopp'd with their Right-hand was on that Account call'd Right-handed; and that which they stopp'd with their Left, Left-handed. The first had but a few Holes, and sound-ed a deep Base; the other had a greater number of Holes, and gave a shriller and sharper Note. When the Musicians play'd on two Flutes of a different Sound, they us'd to say the Piece was play'd *tibiis imparibus*, with unequal Flutes, or *Tibiis dextris & sinistris*, with Right and Left-handed Flutes. When they play'd on two Flutes of the same sound, they us'd to say, the Musick was perform'd *tibiis paribus dextris*, on equal Right-handed Flutes, if they were of the deeper sort; or else *tibiis paribus sinistris*, on equal Left-handed Flutes, if they were those of the shriller Note.

Two equal Right-handed Flutes, they call'd *Lydian*; two equal Left-handed ones *Sarrana*, or *Tyrian*; two unequal Flutes *Phrygian*, as Imitations of the Musick of those Countries. The last sort *Virgil* expressly attributes to the *Phrygians*. *Æneid*. 9.

*Ovèrè Phrygiè, neque enim Phryges ! ite per alta
Dindyma, ubi assuetis biforem dat tibia cantum.*

Where by *biforem cantum* the Commentators understand an unequal Sound, such as was made by two different Pipes, one flat, and the other sharp.

The Title of *Terence's Andria* cannot be made out according to this Explanation, unless we suppose (as there is very good reason) that the Musick sometimes chang'd in the acting of a Play; and at the proper Intervals, two Right-handed, and two Left-handed Flutes might be us'd.

Our late ingenious Translators of *Terence*, are of a different opinion from the *French Lady*: when they render *tibiis paribus dextris & sinistris*, two equal Flutes, the one Right-handed, and the other Left-handed: Whereas the Musick should seem rather to have been performed all along on two equal Flutes, sometimes on two Right-handed, and sometimes on two Left-handed.

Old *Donatus* would have us believe, that the Right-handed, or *Lydian* Flutes denoted the more serious Matter and Language of the Comedy: That the Left-handed, or *Sarrana* were proper to exprets the lightness of a more jocular Stile: And that when a Right-handed Flute was join'd with a Left-handed, it gave us to understand the mixture of Gravity and Mirth in the same Play. But since the Title of the *Heautontimorumenos*, or *Self-tormentor*, informs us, that the Musick was perform'd, the first time of Acting on unequal Flutes, and the second time on Right-handed Flutes, we cannot agree with the old Scholiast, without supposing the same Play, at one time to be partly serious and partly merry, and at another time to be wholly of the graver sort; which would be ridiculous to imagine. Therefore the ingenious Lady happily advanceth a very fair Opinion, That the Musick was not guided by the Subject of the Play, but by the occasion on which it was presented. Thus in the Pieces which were acted at Funeral Solemnities, the Musick was perform'd on two Right-handed Flutes, as the most Grave and Melancholy: In those acted on any joyful Account, the Musick consisted of two Left-handed Flutes, as the briskest and most airy. But in the great-Festivals of the Gods, which participated of an equal share

of Mirth and Religion, the Musick in the Comedies was performed with unequal Flutes, the one Right-handed, and the other Left-handed; or else by turns, sometimes on two Right-handed Flutes, and sometimes on two Left-handed, as may be judg'd of Terence's fair *Andrian*.

If any thing farther deserves our notice in relation to the *Roman Drama's*, it is the remarkable difference between their Actors and those of *Greece*. For at *Athens* the Actors were generally Persons of good Birth and Education, for the most part Orators or Poets of the first Rank. Sometimes we find Kings themselves performing on the Theatres; and *Cornelius Nepos* assures us, that to appear on the publick Stage was not in the least injurious to any Man's Character or Honour (a).

But in *Rome* we meet with a quite contrary Practice: For the *Histriones* (so called from *Hister* signifying a Player in the Language of the *Tuscans*, from whom they were first brought to *Rome* to appease the Gods in time of a Plague) were the most scandalous Company imaginable; none of that Profession being allow'd the privilege to belong to any Tribe, or rank'd any higher than the Slaves. However, if any of them happen'd at the same time to be excellent Artists, and Men of good Morals, they seldom fail'd of the Esteem and Respect of the chiefest Persons in the Commonwealth. This is evident from the Account we have in History of the admirable *Roscius*, of whom *Tully*, his familiar Friend, has left this lasting Commendation: *Cum artifex ejusmodi sit, ut solus dignus videatur esse qui in Scenâ spectetur; tum vir ejusmodi est, ut solus dignus videatur qui eo non accedat* (b). So compleat an Artist, that he seem'd the only Person who deserv'd to tread the Stage; and yet at the same time so excellent a Man in all other Respects, that he seem'd the only Person, who of all Men should not take up that Profession.

(a) In *Præfat. Vit.* (b) *Pro. Quint.*

CHAP.

CHAP. VII.

Of the Sacred Votive, and Funeral Games.

THE Sacred Games, being instituted on several occasions to the Honour of several Deities, are divided into many Species, all which very frequently occur in Authors, and may be thus in short describ'd.

The *LUDI MEGALENSES* were instituted to the Honour of the great Goddess, or the Mother of the Gods, when her Statue was brought with so much Pomp from *Pessinum* to *Rome*. They consisted only of Scenical Sports, and were a solemn time of Invitation to Entertainments among Friends. In the solemn Procession the Women danc'd before the Image of the Goddess; and the Magistrates appear'd in all their Robes; whence came the Phrase of *Purpura Megalensis*. They lasted six Days, from the Day before the Nones of *April* to the Ides. At first they seem to have been call'd the *Megalensia*, from *μέγας*, great, and afterwards to have lost the *n*; since we find them more frequently under the Name of *Megalesia*. It is particularly remarkable in these Games, that no Servant was allow'd to bear a part in the Celebration.

The *LUDICEREALES* were design'd to the Honour of *Ceres*, and borrow'd from *Eleusine* in *Greece*. In these Games the Matrons represented the Grief of *Ceres*, after she had lost her Daughter *Proserpine*, and her Travels to find her again. They were held from the Day before the Ides of *April*, eight Days together in the *Circus*, where, besides the Combats of Horsemen and other Diversions, was led up the *Pompa Circensis*, or *Cerealis*, consisting of a solemn Procession of the Persons that were to engage in the Exercises, accompanied with the Magistrates and Ladies of Quality, the Statues of the Gods and of famous Men, being carried along in State on Waggons, which they call'd *Thensa*.

LUDI FLORALES, Sacred to *Flora*, and celebrated (upon advice of the *Sibylline Oracles*) every Spring to beg a Blessing on the Grass, Trees and Flowers. Some are of opinion, that they owe their Original to a famous Whore, who having gain'd a great Estate by her Trade, left the Commonwealth her Heir, with this Condition, that every Year they should celebrate her Birth-

Birth-day with publick Sports: The Magistrates, to avoid such a publick Scandal, and at the same time to keep their Promise, held the Games on the Day appointed, but pretended that it was done in Honour of a new Goddess, the Patroness of Flowers. Whether this Conjecture be true or no, we are certain that the main part of the Solemnity was manag'd by a Company of lewd Strumpets, who ran up and down naked, sometimes dancing, sometimes fighting, or acting the Mimicks. However it came to pass, the worst and gravest Romans were not for discontinuing this Custom, tho' the most indecent imaginable: For Porcius Cato when he was present at these Games, and saw the People ashamed to let the Maids strip while he was there, immediately went out of the Theatre, to let the Ceremony have its Course (a).

LUDI MARTIALES, instituted to the Honour of Mars, and held twice in the Year, on the fourth of the Ides of May, and again on the Kalends of August, the Day on which his Temple was consecrated. They had no particular Ceremonies that we can meet with, besides the ordinary Sports in the Circo, and Amphitheatre.

LUDI APOLLINARES, celebrated to the Honour of Apollo. They owe their Original to an old Prophetical sort of a Poem casually found; in which the Romans were advis'd, that if they desir'd to drive out the Troops of their Enemies which infested their Borders, they should institute yearly Games to Apollo, and at the time of their Celebration make a Collection out of the publick and private Stocks, for a Present to the God; appointing ten Men to take care they were held with the same Ceremonies as in Greece (b). Macrobius relates, that the first time these Games were kept, an Alarm being given by the Enemy, the People immediately march'd out against them, and during the Fight, saw a Cloud of Arrows discharg'd from the Sky on the adverse Troops, so as to put them to a very disorderly Flight, and secure the Victory to the Romans (c). The People sat to see the *Circensian* Plays, all crown'd with Lawrel, the Gates were set open, and the Day kept Sacred with all manner of Ceremonies. These Games at first were not fix'd, but kept every Year upon what Day the *Prætor* thought fit; till about the Year of the City 545. a Law pass'd to settle them for ever on a constant Day, which was near the Nones of July: This Alteration

(a) *Ualer. Maxim. lib. 2. cap. 5.* (b) *Liv. lib. 25.* (c) *Saturn. lib. 1. cap. 17.*

was

was occasion'd by a grievous Plague then raging in Rome, which they thought might in some measure be allay'd by that Act of Religion (a).

LUDI CAPITOLINI, instituted to the Honour of Jupiter *Capitolinus*, upon account of his preserving his Temple from the Gauls. A more famous sort of *Capitoline* Games were brought up by Domitian, to be held every five Years with the Name of *Agones Capitolini*, in imitation of the *Græcians*. In these the Professors of all sorts had a publick Contention, and the Victors were crown'd, and presented with Collars and other Marks of Honour.

LUDI ROMANI, the most ancient Games, instituted at the first building of the Circo by *Tarquinius Priscus*. Hence, in a strict Sence, *Ludi Circenses* is often us'd to signifie the same Solemnity. They were design'd to the Honour of the three great Deities, Jupiter, Juno and Minerva. 'Tis worth observing, that tho' they were usually call'd *Circenses*, yet in *Livy* we meet with the *Ludi Romani Scenici* (b), intimating that they were celebrated with new Sports. The old *Fæsti* make them to be kept nine Days together, from the Day before the Nones to the Day before the Ides of September: In which two we find another sort of *Ludi Romani*, celebrated five Days together, within two Days after these. P. Manutius thinks the last to have been instituted very late, not 'till after the Prosecution of *Verres* by *Cicero* (c).

LUDI CONSUALES, instituted by *Remulus*, with design to surprize the Sabine Virgins; the Account of which is thus given us by *Plutarch*: 'He gave out as if he had found an Altar of a certain God hid under Ground; the God they call'd *Consus*, the God of Counsel: This is properly *Neptune*, the Inventer of Horse-riding; for the Altar is kept cover'd in the great Circo, only at Horse-Races, then it appears to publick view: And some say it was not without reason that this God had his Altar hid under Ground, because all Counsels ought to be secret and conceal'd. Upon discovery of this Altar, *Romulus*, by Proclamation, appointed a Day for a splendid Sacrifice, and for publick Games and Shews to entertain all sorts of People, and many flock'd thither; he himself sat uppermost among his Nobles, clad in Purple. Now the sign of their falling on was to be, whenever he arose and gather'd up his Robe, and threw it over his Body; his Men stood all ready arm'd, with their

(a) *Liv. lib. 25.* (b) *Liv. lib. 3.* (c) *Manut. in Verrin.*

' Eyes

' Eyes intent upon him ; and when the Sign was given, draw-
' in their Swords and falling on with a great Shout, bore away
' the Daughters of the *Sabines*, they themselves flying, without
' any lett or hindrance. These Games were celebrated yearly
on the twelfth of the Kalends of *September*, consisting for the most
part of Horse-Races, and Encounters in the *Circus*.

LU DI COMPITALITII, so call'd from the *Compita*, or
Cross-Lanes, where they were instituted and celebrated by the
rude Multitude that was got together, before the building of *Rome*.
They seem to have been laid down for many Years, 'till *Servius*
Tullius revived them. They were held during the *Compitalia*,
or Feast of the *Lares*, who presided as well over Streets as Hou-
ses. *Suetonius* tells us, that *Augustus* order'd the *Lares* to be
crown'd twice a Year at the *Compitalitian* Games, with Spring-
Flowers and Summer-Flowers (a). This crowning the Household-
Gods, and offering Sacrifices up and down in the Streets, made
the greatest part of the Solemnity of the Feast.

LU DI AUGUSTALES and *PALATINI*, both in-
stituted to the Honour of *Augustus* after he had been enroll'd in
the number of the Gods ; the former by the common consent of
the People, and the other by his Wife *Livia*, which were always
celebrated in the Palace (b). They were both continued by the
succeeding Emperours.

LU DI SÆCULARES, the most remarkable Games that
we meet with in the *Roman* Story. The common Opinion makes
them to have had a very odd Original ; of which we have a te-
dious Relation in *Valerius Maximus* (c) of the Ancients, and *An-
gelus Politianus* (d) of the Moderns. Monsieur *Dacier* in his excel-
lent Remarks on the Secular Poem of *Horace*, passes by this old
Conceit as trivial and fabulous and assures us, that we need go no
farther for the rise of the Custom, than to the *Sibylline* Oracles,
for which the *Romans* had so great an Esteem and Veneration.

In these sacred Writings there was one famous Prophecy to
this effect ; That if the *Romans* at the beginning of every Age
should hold solemn Games in the *Campus Martius* to the Honour
of *Pluto*, *Proserpine*, *Juno*, *Apollo*, *Diana*, *Ceres*, and the *Parcæ*,
or three fatal Sisters, their City should ever flourish, and all Na-
tions be subjected to their Dominion. They were very ready to
obey the Oracle, and in all the Ceremonies us'd on that occa-
sion conform'd themselves to its Directions. The whole manner

of the Solemnity was as follows : In the first place the Heralds
receiv'd Orders to make an invitation of the whole World, to
come to a Feast which they had never seen already, and should
never see again. Some few Days before the beginning of the
Games, the *Quindecemviri*, taking their Seats in the Capitol and
in the *Palatine* Temple, distributed among the People Parcels
of purifying Stuff, as, *Flambeaus*, *Brimstone*, and *Sulphur*.
From hence the People pass'd on to *Diana's* Temple on the *Aven-
tine* Mountain, carrying *Wheat*, *Barley*, and *Beans* as an Offer-
ing ; and after this they spent whole Nights in Devotion to the
Deities. At length, when the time of the Games was actually
come, which continu'd three Days and three Nights, the People
assembled in the *Campus Martius*, and sacrificed to *Jupiter*, *Juno*,
Apollo, *Latona*, *Diana*, the *Parcæ*, *Ceres*, *Pluto*, and *Proserpine*.
On the first Night of the Feast, the Emperour, accompanied by
the *Quindecemviri*, commanded three Altars to be rais'd on the
Bank of *Tyber*, which they sprinkled with the Blood of three
Lambs, and then proceeded to burn the Offerings and the Vi-
ctims. After this they mark'd out a Space which serv'd for a
Theatre, being illuminated by an innumerable multitude of *Flam-
beaus* and Fires ; here they sung some certain Hymns compos'd
on this occasion, and celebrated all kinds of Sports. On the
Day after, when they had been at the Capitol to offer the Vict-
ims, they return'd to the *Campus Martius*, and held Sports to
the Honour of *Apollo* and *Diana*. These lasted 'till the next
Day, when the noble Matrons, at the hour appointed by the O-
racle, went to the Capitol to sing Hymns to *Jupiter*. On the
third Day which concluded the Feast, twenty seven young Boys,
and as many Girls sung in the Temple of *Palatine Apollo* Hymns
and Verses in *Greek* and *Latin*, to recommend the City to the
Protection of those Deities, whom they design'd particularly to
honour by their Sacrifices.

The famous Secular Poem of *Horace* was compos'd for this last
Day, in the Secular Games held by *Augustus*. *Dacier* has given
his Judgment on this Poem, the Master-piece of *Horace*, and be-
lieves, that all Antiquity cannot furnish us with any thing more
happily compleat.

There has been much Controversie, whether these Games
were celebrated every hundred or every hundred and ten Years.
For the former Opinion *Censorinus* (a) alledges the Testimony of
Valerius Antias, *Varro*, and *Livy* ; and this was certainly the

(a) *Aug. cap. 32.* (b) *Dio. lib. 56. Suet. Calig. 55.* (c) *Lib. 2. cap.*
4. (d) *Mæcellan cap. 58.*

(a) *De Die Natali, cap. 17.*

space of time which the *Romans* call'd, *Saeculum*, or an Age. For the latter he produceth the Authority of the Registers, or Commentaries of the *Quindecimviri*, and the Edicts of *Augustus*; besides the plain Evidence of *Horace* in his Secular Poem.

Certus undenos decies per annos, &c.

This last Space is expressly enjoin'd by the *Sibylline Oracle* it self; the Verses of which relating to this purpose are transcrib'd by *Zozimus* in the second Book of his History.

Ἀλλ' ὁποίαν μῆκισ' ἐκὼν χρόνον ἄνθρωποισι
Ζῆς, εἰς ἑπτὰν ἑκατὸν δέκα κύκλον ὀδεύων, &c.

Yet according to the ancient Accounts we have of these Celebration in the several Ages, neither of these Periods are much regarded.

The first were held *A. V. C.* 245. or 298.

The second *A.* 330. or 408.

The third *A.* 518.

The fourth either *A.* 605. or 608. or 623.

The fifth by *Augustus*, *A.* 736.

The sixth by *Claudius*, *A.* 800.

The seventh by *Domitian*, *A.* 841.

The eighth by *Severus*, *A.* 957.

The ninth by *Philip*, *A.* 1000.

The tenth by *Honorius*, *A.* 1157.

This Disorder without question was owing to the Ambition of the Emperours, who were extremely desirous to have the Honour of celebrating these Games in their Reign; and therefore, upon the slightest Pretence many times, made them return before their ordinary Course. Thus *Claudius* pretended, that *Augustus* had held the Games before their due time, that he might have the least excuse to keep them within fixty four Years afterwards. On which account *Suetonius* tells us, that the People scoffed his Cryers, when they went about proclaiming Games that no Body had ever seen, nor would see again; whereas there were not only many Persons alive who remembered the Games of *Augustus*, but several Players who had acted in those Games, were now again brought on the Stage by *Claudius* (a).

(a); *Sueton. Claud.* 21.

What

What part of the Year secular Games were celebrated in is uncertain; probably in the times of the Commonwealth on the Days of the Nativity of the City i. e. the *G. 10. 11. Kal. Mai.* but under the Emperours on the Day when they came to their Power (a).

We may conclude our Enquiry into this celebrated Subject with two excellent Remarks of the *French Critick*. The first is, that in the number Three, so much regarded in these Games, they had probably an Allusion to the Triplicity of *Phæbus*, of *Diana*, and of the *Destinies*.

The other Observation which he obliges us with, is, that they thought the Girls which had the honour to bear a part in singing the Secular Poem should be the soonest married. This Superstition they borrow'd from the Theology of the *Græcians* who imagin'd that the Children who did not sing and dance at the coming of *Apollo*, should never be married, and should certainly die young. To this purpose *Callimachus* in his Hymn to *Apollo*.

Μήτε σιωπηλὴν χῆθαριν, μὴ δ' ἄλοφον ἴχθυον
Τὲ φοίβη τὸς παῖδας ἔχειν ἐπαδουήσαντ',
Ἴεὶ τελέειν μέλλουσι γάμον πολλὴν τε κερεῖσθαι

And *Horace* encouraging the Chorus of Girls to do their best in singing the Secular Poem, tells them how proud they would be of it, when they were well married.

*Nupta jam dices: Ego diis amicum
Seculo festas referente lucas,
Reddidi carmen, docilis modorum
Vatis Horati,*

All those Games, of what sort soever, had the common Name of *Votivi*, which were the effect of any Vow made by the Magistrates or Generals, when they sat forward on any Expedition, to be perform'd in case they return'd successful. These were sometimes occasion'd by advice of the *Sibylline Oracles*, or of the South-sayers; and many times proceeded purely from a Principle of Devotion and Piety in the Generals. Such particularly were the *Ludi Magni*, often mention'd in Historians, especially by *Livy*. Thus he informs us, That in the Year of the City 538. *Fabius*

(a) *Mr. Walker of Coins* p. 168.

Maximus

Maximus the Dictator, to appease the Anger of the Gods, and to obtain Success against the *Carthaginian* Power, upon the Direction of the *Sibylline* Oracles, vowed the *Great Games* to *Jupiter*, with a prodigious Summ to be expended at them; besides three hundred Oxen to be sacrificed to *Jupiter*, and several others to the rest of the Deities (a). *M. Acilius* the Consul did the same in the War against *Antiochus* (b). And we have some Examples of these Games being made *Quinquennial*, or to return every five Years (c). They were celebrated with *Circensian* Sports four Days together (d).

To this Head we may refer the

Ludi Victoriae, mention'd by *Vell. Paternulus* (e) and *Asconius* (f): They were instituted by *Scylla* upon his concluding the Civil War. It seems probable, that there were many other Games with the same Title, celebrated on account of some remarkable Success, by several of the Emperours.

The *Ludi quinquennales*, instituted by *Augustus Caesar* after his Victory against *Anthony*; which resolving to deliver famous to succeeding Ages, he built the City *Nicopolis*, near *Actium*, the place of Battle, on purpose to hold these Games; whence they are often call'd *Ludi Actiaci*. They consisted of Shows of Gladiators, Wrestlers, and other Exercises, and were kept as well at *Rome* as at *Nicopolis*. The proper Curators of them were the four Colleges of Priests, the *Pontifices*, the *Augurs*, the *Sep-tuoviri*, and the *Quindecimviri*.

Virgil in allusion to this Custom, when he brings his Hero to the Promontory of *Actium*, makes him hold solemn Games with the Lustrations and Sacrifices us'd on that occasion by the *Romans*.

*Lustramusq; Jovi, votisq; incendimus aras;
Actiaq; Iliacis celebramus littora Ludis.* *Aen.* 3.

Nero, after the manner of the *Grecians*, instituted *Quinquennial* Games, at which the most celebrated Masters of Musick, Horse-racing, Wrestling, &c. disputed for the Prize (g).

The same Exercises were perform'd in the *Quinquennial* Games of *Domitian*, dedicated to *Jupiter Capitolinus*; together

(a) *Liv.* lib. 22. (b) *Idem.* lib. 36. (c) *Liv.* lib. 27. & lib. 30.
(d) *Ibid.* (e) *Lib.* 2. cap. 27. (f) *In Verrin.* 2. (g) *Sueton.* *Ner.*
12.

with

with the Contentions of Orators and Poets (a); at which the famous *Statius* had once the ill Fortune to lose the Prize; as he complains several times in his *Miscellany* Poems.

Ludi Decennales, or Games to return every tenth Year, were instituted by *Augustus* with this political Design, to secure the whole Command to himself, without incurring the Envy or Jealousie of the People. For every tenth Year proclaiming solemn Sports, and so gathering together a numerous Company of Spectators, he there made a solemn proffer of resigning his Imperial Office to the People; tho' he immediately return'd it, as if continu'd to him by the common consent of the Nation (b). Hence a Custom was deriv'd for the succeeding Emperours every tenth Year of their Reign, to keep a magnificent Feast, with the Celebration of all sorts of publick Sports and Exercises (c).

The *Ludi Triumphales* were such Games as made a part of the Triumphal Solemnity.

Ludi Natalitii, instituted by every particular Emperour to commemorate his own Birth-day.

Ludi Juveniles, instituted by *Nero* at the shaving of his Beard; and at first privately celebrated in his Palace or Gardens; but they soon became Publick, and were kept with great State and Magnificence. Hence the Games held by the following Emperours in the Palace yearly on the first of *January* took the Name of *Juvenilia* (d).

Cicero speaks of the *Ludi Juventutis*, instituted by *Salinator* in the *Senenian* War, for the Health and safety of the Youth, a Plague then reigning in the City (e).

The *Ludi Miscelli*, which *Suetonius* makes *Caligula* to have instituted at *Lyons* in *France*, seem to have been a *Miscellany* of Sports, consisting of several Exercises join'd together in a new and an unusual manner (f).

The *LUDI FUNEBRES*, assign'd for one Species of the *Roman* Publick Games, as to their original and manner, have been already describ'd in the Chapter of the Gladiators. It may be proper to observe farther, that *Tertullian* in his particular Tract *De Spectaculis*, as he derives the Custom of the *Gladiatorial* Combats from the Funeral Rites, so he takes notice, that the Word *Munus* applied originally to these Shows, is no more

(a) *Idem* *Domit.* 4. (b) *Dio.* lib. 53. (c) *ibid.* (d) *Sueton.* *Ner.* 11. *Cassiodorus*; ad. loc. (e) *In Brutus*. (f) *Sueton.* *Cal.* 20. *Torrent.* ad. loc.

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than *Officium*, a kind Office, to the dead. We must remember too that tho' the Shows of Gladiators, which took their Rise from hence, were afterwards exhibited on many other occasions; yet the Primitive Custom of presenting them at the Funeral of great Men, all along prevailed in the City, and *Roman* Provinces. Nor was it confin'd only to Persons of Quality, but almost every rich Man was honour'd with this Solemnity after his Death. And this they very commonly provided for in their Wills, defining the number of Gladiators, who should be hir'd to engage. In so much that when any wealthy Person deceas'd, the People us'd to claim a Show of Gladiators, as their due by long Custom. *Suetonius* to this purpose tells us of a Funeral, in which the common People extorted Money by force from the deceas'd Person's Heirs to be expended on this account (a).

Julius Caesar brought up a new Custom of allowing this Honour to the Women, when he oblig'd the People with a Feast, and a publick Show, in memory of his Daughter (b).

It is very memorable, that tho' the Exhibitors of these Shows were private Persons, yet during the time of the Celebration they were consider'd as of the highest Rank and Quality; having the Honour to wear the *Prætexta*, and to be waited on by the Lictors and Beadles, who were necessary to keep the People in order, and to assist the *Designatores*, or Marshalls of the Procession (c).

(a) *Suet. Tib.* 37. (b) *Idem. Jul.* 26. (c) *Kirckman de Funer. Rom. lib.* 4. cap. 8.

C H A P.

C H A P. VIII.

Of the Roman Habit.

THE *Roman* Habit has given as much trouble to the Criticks as any other part of Antiquity: And tho' the most learned Men have been so kind as to leave us their Thoughts on this Subject, yet the Matter is not fully explain'd, and the Controversies about it admit of no Decision. However, without enquiring into the several Fashions of the *Romans*, or defining the exact time when they first chang'd their leathern Jerkins, and their primitive Hides of wild Beasts, for the more decent and graceful Attires; it will be sufficient to the present design, to observe the several sorts of Garments in use with both Sexes, and to give the best distinction of them that can be found out at this distance.

The two common and celebrated Garments of the *Romans*, were the *Toga* and the *Tunica*.

The *Toga*, or Gown seems to have been of a Semicircular Form, without Sleeves, different in largeness according to the Wealth or Poverty of the wearer; and us'd only upon occasion of appearing in publick; whence 'tis often call'd *Vestis forensis* (a).

The Colour of the Gown is generally believ'd to have been White. The common Objections against this Opinion are, how it could then be distinguish'd from the *Toga Candida*, us'd by Competitors for Offices; or how it comes to pass that we read particularly of their wearing white Gowns on Holy-days and publick Festivals; as in *Horace*;

*Ille repotia natales, alioq; dierum
Festos albarus celebret (b).-----*

if their ordinary Gowns were of the same Colour. But both these Scruples are easily solv'd. For between the *Toga Alba* and *Candida* we may apprehend this difference, that the former was the natural colour of the Wool, and the other an artificial White,

(a) *Ferrar. de re Vestiari. lib.* 1. cap. 28. (b) *Lib.* 2. 3æt. 2.

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which appear'd with a greater advantage of Lustre; and therefore Polybius chuseth rather to call the Candidates Gown *λαμπρὰ* than *λευκὴ*; not of a bare White, but of a bright shining colour. For this purpose they made use of a fine kind of Chalk; whence Persius took the hint of *Cretata ambitio* (a). As to the Holy-days or solemn Festivals, on which we find the Romans always attir'd in White, 'tis reasonable to believe, that all Persons of any fashion constantly put on new Gowns, which were of the purest White on these Occasions: And those of meaner condition might perhaps chalk over their old Gowns, which were now grown rusty and had almost lost their Colour (b).

The Dispute between Manutius and Sigonius, whether the Roman Gown was tied about with a Girdle or not, is commonly decided in favour of Manutius. Yet it must be acknowledg'd, that the best Authors allow some kind of *Cincture* to the Gown; but then it must be understood to be perform'd only by help of the Gown it self; or by that part of it, which coming under the Right Arm, was drawn over to the Left Shoulder, and so covering the *Umbo*, or knot of Plaights, which rested there, kept the Gown close together. This Lappet Quintilian calls the Belt, in his Advice to the Orators about this matter: *Ille qui sub humero dextro ad sinistrum oblique ducitur, velut balteus, nec strangulet, nec fluat* (c).

This Belt being loos'd, and the Left Arm drawn in, the Gown flow'd out, and the *Sinus*, or main Lappet hung about the Wearer's Feet. This was particularly observ'd in Caesar, who commonly let his Gown hang dragging after him: Whence Sylla us'd to advise the Noblemen, ut *puerum male præcinctum caverent* (d).

The accurate Ferrarius is certainly in a mistake as to this Point; for, maintaining that the Gown had no kind of *cinctus* but what they call'd *Gabinus*, he will have this meant only of the *Tunica*: But the plain Words of Macrobius make this Supposition impossible, and *Laciniam trahere* expressly points out the Gown; for the *Tunic* being only a short Vest, cannot by any means be conceiv'd to have a Lappet dragging on the Ground (e).

The same Fault which Sylla objected to Caesar, was commonly observ'd in Meccenas, and is a mark of that effeminate Softness, which makes an unhappy Part of his Character in History.

(a) Sat. 5. ver. 177. (b) *Dips.* Elect. lib. 1. cap. 13. (c) *Institut.* lib. 11. cap. 3. (d) *Sueton.* Jul. cap. 45. *Macrobi.* Saturnal. lib. 2. cap. 3. (e) *Grævius* ad *Sueton.* Jul. 45.

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The learned Grævius observes, that the Word *Præcingi* was proper to the Gown, because the Lappet did not close about the whole Gown, but only the fore-part of it (a).

The *Cinctus Gabinus* is most happily describ'd by Ferrarius: *Cinctus Gabinus non aliud fuit quàm cum togæ lacinia laevo brachio subducta in tergum ita rejiciebatur, ut contracta retraheretur ad pectus atq; ita in nodum necleretur; qui nodus sive cinctus togam contrahabat, breviorēq; & strictiorem reddidit* (b). The *Cinctus Gabinus* was nothing else, but when the Lappet of the Gown, which us'd to be brought up to the Left-Shoulder, being drawn thence, was cast off in such a manner upon the Back, as to come round short to the Breast, and there fasten in a Knot; which Knot or *Cincture* tuck'd up the Gown, and made it shorter and straighter. This *Cinctus* was proper only to the Consuls or Generals, upon some extraordinary occasions; as the denouncing War, burning the Spoils of the Enemy, devoting themselves to death for the safety of their Army, and the like. It was borrow'd from the Inhabitants of *Gabii*, a City of *Campania*, who at the time of a publick Sacrifice, happening to be set upon suddenly by their Enemies, were oblig'd, thro' haste, to gather up their Gowns in this manner, and so march out to oppose them (c).

In the ordinary wear the upper part of the Gown us'd to lay over the Right Shoulder; yet upon occasion 'twas an easie matter to draw back that part again, and make it cover the Head. And learned Men are of opinion that the Romans while they continued in the City, made use of this sort of covering only for the Head; never appearing in any kind of Caps or Hats, unless they were on a Journey out of Town. Thus *Plutarch* informs us of the deference paid to great Men as they pass'd the Streets: *οἱ Ῥωμαῖοι τῶν ἀνθρώπων τοῖς ἀξίοις πρὸς ἀπαντῶντες καὶ τὴν κεφαλὴν ἐπὶ τῆς κεφαλῆς τὸ ἱμάτιον ἔχοντες, ἀποκαλύπτουσαι*. The Romans when they meet any Person who deserves a particular respect, if they chance to have their Gown on their Head, presently uncover. And the same Author reckoning up the Marks of Honour which Sylla shew'd Pompey, adds καὶ τῆς κεφαλῆς ἀπέρχοντο τὸ ἱμάτιον; and pulling off his Gown from his Head.

The several sorts of the Roman Gowns were the *Toga Prætexta*, the *Pulla*, the *Sordida*, and the *Piçta*, *Purpurea*, *Palmata*, &c. or the *Trabea*.

(a) *Ibidem.* (b) *De re Vestiari.* lib. 1. cap. 14. (c) *Servius* ad *Virgil.* *Æneid.* 7. v. 612.

Every one knows that the Gown was the distinguishing Mark of the *Romans* from the *Greeks*, who wore the *Pallium* or Cloak as their common Garment; whence *Togatus* and *Palliatuſ* are often us'd for *Roman* and *Græcian*. As also, that the Gown was the proper Badge of Peace, being generally laid aſide upon engaging in any martial Deſign. Yet it appears from ſeveral Paſſages of *Livy* and *Plutarch*, that it was ſometimes worn in the Camp. If ſo, perhaps the *Equites* and *Centurions* had this peculiar Privilege, and that only when they lay ſtill in the Camp without any thoughts of ſudden Action; as *Manutius* learnedly conjectures (a).

The *Toga Prætexta* had a Border of Purple round the Edges whence it took its Name, and in alluſion to which the *Græcian* Writers call it *περιεργασμένη*. It ſeems Originally to have been appropriated to the Magiſtrates and ſome of the Priests, when at firſt introduc'd by *Tullus Hoſtilius*. How it came to be beſtow'd on the young Men is differently related. Some ſanſie that *Tarquinius Priſcus* in a Triumph for a Victory againſt the *Sabines*, firſt honour'd his own Son with the *Prætexta* and the *Bulla aurea* as Rewards of his Valour for killing one of the Enemies with his own Hands. For as the former was the Robe of the Magiſtrates, ſo the *Bulla aurea* was till then us'd only by Generals in their Triumphal Proceſſion; being a ſort of hollow golden Ball hanging about their Necks, in which was incloſ'd ſome ſecret Amulet, or Preſervative againſt Envy. Others, without regarding this firſt Story, tell us, that the ſame *Tarquin* among other wiſe Conſtitutions, took particular Care in aſſigning the proper Habit to the Boys, and accordingly ordain'd that the Sons of Noblemen ſhould make uſe of the *Prætexta* and the *Bulla aurea*, Provided their Fathers had born any Curule Office; and that the reſt ſhould wear the *Prætexta* only as low as the Sons of thoſe who had ſerv'd on Horſe-back in the Army the full time that the Law requir'd. A third Party refers the Original of this Cuſtom to *Romulus* himſelf, as the Conſequence of a Promise made to the *Sabine* Virgins, that he'd beſtow a very conſiderable Mark of Honour on the firſt Child that was born to a ſon of them by a *Roman* Father. Many believe that the Reaſon of giving them the *Bulla* and the *Prætexta* was, that the former, being ſhap'd like a Heart, might as often as they look'd on it be no inconfiderable incitement to Courage; and that the Pur-

(a) De Quæſitis per Epift. lib. 2. Ep. 1.

ple of the Gown might remind them of the Modeſty which became them at that Age (a).

But on what account ſoever this Inſtitution took its riſe, it was conſtantly obſerv'd by all the Sons of the *Ingenus*, or Freeborn. The *Libertini* too in ſome time obtain'd the ſame Privilege, only inſtead of the Golden *Bulla* they wore a Leathern one: As *Juv. venal* intimates, Sat. 5.

—————*Etruſcum puero ſi conſigit aurum,
Vel nodus tantum & ſignum de paupere Coro.*

It's commonly believ'd, that the Boys chang'd this Gown at the Age of fourteen Years for the *Toga Virilis*: But *Montſieur Dacier* makes this a great miſtake. For 'till they were thirteen Years old he ſay's they wore a ſort of Veſt with Sleeves, which they call'd *Alicata Chlamys*, and then left off that to put on the *Prætexta*: Which they did not change 'till they had reach'd the Age of Puberty, or their ſeventeenth Year (b).

'Tis a very pertinent Remark, that this *Prætexta* was not only a Token of the Youth and Quality of the Wearer, but beſides this had the Repute of a Sacred Habit, and therefore when they aſſign'd it for the Uſe of the Boys, they had this eſpecial Conſideration, that it might be a kind of Guard or Defence to them againſt the Injuries to which that Age was expos'd (c). Thus the poor Boy in *Horace* cries out to the Witch *Canidia* that, was tormenting him.

Per hoc inane purpureæ decus Precor. Epod. 5.

And *Persius* calls it *custos purpura*, in his fifth Satyr. But *Quintilian* moſt expreſſly, *Ego vobis allego etiam illud ſacrum prætextarum, quo ſacerdotes velantur; quo Magiſtratus, quo infirmitatem pueritiæ ſacram facimus ac venerabilem* (d): 'I alledge too the Sacred Habit of the *Prætexta*, the Robe of Priests and Magiſtrates; and that by which we derive an holy Reverence and Veneration to the helpleſs Condition of Childhood.

We find farther that the Citizens Daughters were allow'd a ſort of *Prætexta*, which they wore 'till the Day of Marriage. Thus *Cicero* againſt *Verres*, *Eripies pupillæ togam prætextam* And *Propertius*, *Mox ubi jam facibus ceſſit Prætexta mariti*. The *Prætoris* and *Conſulares* too, (if not all the Senators) at the *Ludi Roma-*

(a) *Macrob.* Saturnal. lib. 1. cap. 6. (b) *Dacier* on *Horace*. Lib. 5. Od. 5. (c) *Dacier* ibid. (d) In Declamat.

ni made use of the *Prætexta* (a). And the Matrons on the *Caprotine Nones*, celebrated the Festival in this sort of Gown (b).

The *Toga pura* was the ordinary Garment of private Persons, when they appear'd abroad, so call'd because it had not the least addition of Purple to the White. We meet with the same Gown under the Name of *Virilis* and *Libera*. It was call'd *Toga Virilis*, or the *Manly Gown*; because when the Youths came to Man's Estate, or to the Age of seventeen Years, they chang'd the *Prætexta* for this Habit, as was before observ'd. On which Occasion the Friends of the Youngster carried him into the *Forum* (or sometimes into the Capitol) and attir'd him in the new Gown with abundance of Ceremony. This they call'd *dies tyrocinii*, the day on which he commenc'd a *Tyro*, in relation to the Army where he was now capacitated to serve.

It had the Name of *Toga libera*, because at this time the young Men enter'd on a State of Freedom and were deliver'd from the Power of their Tutors and Instructors. Thus the young Gentleman intimates in *Perfius*.

*Cum primum pavido custos mihi purpura cessit,
Bullaq; succinctis laribus donata pependit;
Cum blandi Comites, totaq; impune subvrrâ
Permisit sparsisse oculos jam candidus umbo.* Sat. 5.

When first my Childish Robe resign'd its Charge,
And left me unconfin'd to live at large,
When now my Golden *Bulla* (hung on high
To Household Gods) declar'd me past a Boy,
And my white Plaights proclaim'd my Liberty:
When with my wild Companions I could rowl
From Street to Street; and sin without controul. Mr. Dryden.

But for all this Liberty they had one remarkable restraint; being oblig'd for the first whole Year to keep their Arms within their Gown, as an Argument of Modesty. This *Cicero* observes: *Non enim quidem olim annus erat unus ad cohibendum brachium togâ constitutus* (c).

The *Toga pulla* and *Sordida* are very commonly confounded. Yet upon a strict Enquiry it will appear that the first sort was proper to Persons in Mourning, being made of black Cloath, whence the Persons were call'd *atrati*. The *Toga sordida* was Black as well as the other, but from a different Cause, having grown so by the long wearing and sullyng of it: And this (as

(a) *Cicero* Philipp. 2. (b) *Varro* de Ling. Lat. lib. 5. (c) *Cicero* pro *Cælio*. has

has been already observ'd) was worn by the Prisoners at their Tryal, as well as by the ordinary People. It may here be remark'd that the *Pullati* whom we meet with in the Classics, were not only those who wore the *Toga pulla* or the *Toga sordida*, but such too as were attir'd in the *Penula* or *Lacerna* which were usually Black. Thus the Learned *Casaubon* interprets *pullatorum turba* in *Suetonius* (a): and *Quintilian* calls the Rabble *pullatus circulus* (b) and *pullata turba* (c). Hence it may reasonably be conjectur'd that when the Roman State was turn'd into a Monarchy, the Gown began to be laid aside by Men of the lower Rank, the *Penula* and *Lacerna* being introduc'd in their room, and commonly worn without them, or sometimes over them. This irregularity had gain'd a great Head even in *Augustus* his time; who to rectifie it in some Measure, commanded the *Ædiles* that they shou'd suffer no Person in the *Forum* or *Circus* to wear the *Lacerna* over his Gown; as was then an ordinary Practice. The same excellent Prince taking notice at a publick Meeting of an innumerable Company of Rabble in these indecent Habits, cried out with Indignation,

— En
Romanos rerum dominos gentemq; togatam (d)!

The *Toga picta*, *purpurea*, *palmata*, the Consular *Trabea*, the *Paludamentum* and the *Chlamys* had very little Difference, and are promiscuously us'd one for the other; being the Robes of State proper to the Kings, Consuls, Emperours, and all Generals during their Triumph. This sort of Gown was call'd *Picta* from the rich Embroidery, with Figures in *Phrygian-Work*: And *purpurea*, because the Ground-Work was Purple. The *Toga palmata* indeed very seldom occurs, but may probably be suppos'd the same with the Former, call'd so on the same Account as the *Tunica palmata*, which will be describ'd hereafter. That it was a part of the Triumphal habit *Martial* intimates.

*I comes, & magnis illæsa merere triumphos,
Palmatæq; ducem (sed citò) redde togæ.*

Antiquaries are very little agreed in reference to the *Trabea*. *Paulus Manutius* was certainly out when he fancied it to be the same as the *Toga picta*, and he is accordingly corrected by *Grævius* (e). The vulgar Opinion follows the distinction of *Ser-*

(a) *August.* cap. 40. (b) *Lib.* 2. cap. 12. (c) *Lib.* 6. cap. 4. (d) *Sueton.* *August.* cap. 40. (e) *Præfat.* ad 1. Vol. *Thes. Rom.*

vius and *Scaliger* into three sorts, one Proper to the Kings, another to the Consuls, and a third to the *Augurs*. But *Lipſius* (a) and *Rubenius* (b) acknowledge only one proper Sort of *Trabea* belonging to the Kings: Being a white Gown, border'd with Purple, and adorn'd with *clavi* or *trabes* of Scarlet. Whereas the Vests of the Consuls, and the *Augurs*, and the Emperours were call'd by the same Name, only, because they were made in the same Form. For the old *Paludamentum* of the Generals was all Scarlet, only border'd with Purple; and the *Chlamydes* of the Emperours were all Purple, commonly beautify'd with a golden or embroyder'd Border.

Sidoniam picto chlamydem circumdata limbo. Virg. Æn. 4.

When the Emperours were themselves Consuls, they wore *Trabea* adorn'd with Gems, which were allow'd to none else. *Claudian* in his Poems on the Third, Fourth and Sixth Consulship of *Honorius*, alludes expressly to this Custom.

————— *Cinctusq; mutata Gabinos*
Dives Hydaspæi aufecat purpura gemmis.

And again,

————— *Asperat Indus*
Velamenta lapis, pretiosaq; fila smaragdii
Ducta virent. —————

And in the last,

Membræq; gemmato trabæ viridantiacinctu.

There are several other Names under which we sometimes find the Gown, which have not yet been explained, nor would be of much Use if thoroughly understood: Such as the *Toga undulata*, *sericulata*, *rasa*, *paverata*, *Phryxiana*, *scutulata*, &c. See *Ferrar. de Re Vest. lib. 2. cap. 10.*

The *Tunica*, or close Coat, was the common Garment worn within Doors by it self, and abroad under the Gown. The *Proletarii*, the *Capitecensi* and the rest of the Dregs of the City, could not afford to wear the *Toga*, and so went about in their *Tunics*, whence *Horace* call's the Rabble *tunicatus popellus*, and the Author of the Dialogue *de claris Oratoribus*, *populus tunicatus*. The

(a) Ad Tacit. Ann. 3. (b) De re Vestiar. & præcipue de laticlavo. lib. 1. cap. 5.

old *Romans* (as *Gellius* informs us (a)) at first were cloath'd only in the Gown. In a little time they found the Convenience of a short strait *Tunic*, that did not cover the Arms; such as the *Græcians* call'd *ἱσχιδης*. Afterwards they had Sleeves coming down to the Elbow, but no farther. Hence *Suetonius* tells us that *Cæsar* was remarkable in his Habit, because he wore the *Laticlavian Tunick*, clos'd with Gatherings about his Wrist (b). *Rubenius* thinks he might do this piece of Singularity to show himself descended from the *Trojans*, to whom *Romulus* objects, in *Virgil*, as an Argument of their Effeminacy,

Et tunica manicas, & habent redimicula mitræ (c).

And *Iulus* or *Ascanius* is still to be seen dress'd after the same Fashion in some old Gems (d).

Yet in the Declension of the Empire, the *Tunics* did not only reach down to the Ankles, whence they were call'd *Talares*, but had Sleeves too coming down to the Hands, which gave them the Name of *Chirodota*. And now it was counted as Scandalous to appear without Sleeves, as it had been hitherto to be seen in them. And therefore in the Writers of that Age, we commonly find the accused Persons at a Tryal habited in the *Tunick* without Sleeves, as a mark of Infamy and Disgrace (e).

The several sorts of the *Tunic*, were the *Palmata*, the *Angusticlavia*, and the *Laticlavia*.

The *Tunica Palmata* was worn by Generals in a Triumph, and perhaps always under the *Toga picta*. It had its Name either from the great breadth of the *Clavi*, equal to the Palm of the Hand; or else from the Figures of Palms, embroyder'd on it (f).

The whole Body of the Criticks are strangely divided about the *Clavi*. Some sanſie them to have been a kind of Flowers interwoven in the Cloth: Others will have them to be the Buttons or Clasps by which the *Tunick* was held together. A Third sort contend that the *Latus clavus* was nothing else but a *Tunick* border'd with Purple. *Scaliger* thinks the *Clavi* did not belong properly to the Vest, but hung down from the Neck, like Chains, and Ornaments of that Nature. But the most general Opinion makes them to have been Studs or Purls something like Heads of Nails, of Purple or Gold work'd into the *Tunic*.

All the former Conjectures are learnedly refuted by the accurate *Rubenius*, who endeavours to prove, that the *clavi* were no

(a) Lib. 7. cap. 12. (b) Suet. Jul. cap. 45. (c) Æneid. 11. (d) *Rubenius* de Laticlav. lib. 1. cap. 12. (e) ibidem. (f) *Festus* in voce.

more than purple Lines or Streaks coming along the middle of the Garments, which were afterwards improv'd to golden and embroyder'd Lines of the same Nature. We must not therefore suppose them to have receiv'd their Name, as an immediate allusion to the Heads of Nails, to which they bore no Resemblance; but may remember that the Ancients us'd to inlay their Cups and other precious Utensils with Studs of Gold, or other Ornamental Materials. These from their likeness to Nailheads they call'd in general *Clavi*. So that it was very natural to bring the same Word to signify these Lines of Purple or other Colours which were of a different Kind from all the rest of the Garment; as those ancient *Clavi* were of a different Colour and Figure from the Vessels which they adorn'd.

These Streaks were either transverse or straight down the Vest; the former were used only in the Liveries of the *Pope* and other public Servants; by the Musicians, and some Companies of Artificers, and now and then by the Woman; being term'd *Paragauda*. The proper *Clavi* came straight down the Vest, one of them making the *Tunic*, which they call'd the *Angusticlave*, and two the *Laticlave*.

However this Opinion has been applauded by the Learned, Monsieur *Dacier*'s Judgment of the Matter cannot fail to meet with as kind Reception.

He tells us that the *Clavi* were no more than purple Galoons, with which they border'd the fore Part of the *Tunic*, on both Sides, in the Place where it came together. The broad Galoons made the *Laticlave*, and the narrow the *Angusticlave*. Therefore they are strangely mistaken who make the only Difference between the two Vests to consist in this, that the one had but a single *Clavus*, the other two, and that the Senatorian *Clavus* being in the middle of the Vest cou'd possibly be but one. For 'tis very plain they had each of them two Galoons binding the two Sides of the Coat where it open'd before; so that joining together with the Sides they appear'd just in the Middle; whence the *Greeks* call'd such a Vest *μεσσητόρουρον*. That the Galoons were sow'd on both sides of the Coat, is evident beyond Dispute from the following Passage of *Varro*, *nam si quis tunicam ita consuit, ut altera plagula sit angustis clavis, altera latis, utraq; pars in suo genere caret analogia*. For if any one shou'd sow a Coat in this Manner, that one Side shou'd have a broad Galoon, and the other a narrow one, neither part has any thing properly answering to it. As to the Name of the *Clavi*, he thinks there needs no farther Reason be given,

given, than that the Ancients call'd any thing which was made with Design to be put upon another thing *Clavus* (a).

It has been a receiv'd Opinion that the *Angusticlave* distinguish'd the Knights from the Common-People, in the same Manner as the *Laticlave* did the Senators from those of the Equestrian Rank. But *Rubenius* avers that there was no manner of Difference between the *Tunics* of the Knights, and those of the Commons. This Conjecture seems to be favour'd by *Appian* in the second Book of his History, where he tells us, *ὁ δαλδών ἐστὶ τὸ σκῆμα τοῖς δεσπόταις ὅμοιος. χωρὶς δὲ τῆς βαλευπικῆς ἡ ἄλλη σοδὴ τοῖς θεσπισταῖν ἐπικραῖος*. The Slave in Habit goes like his Master; and excepting only the Senator's Robe, all other Garments are common to the Servants. And *Pliny*, when he says that the Rings distinguish'd the Equestrian Order from the Common-People, as their *Tunic* did the Senate from those that wore the Rings; wou'd not probably have omitted the other Distinction had it been real. Besides both these Authorities *Lampridius* in the Life of *Alexander Severus* confirms the present Assertion. He acquaints us that the aforesaid Emperour had some Thoughts of assigning a proper Habit to Servants different from that of their Masters: But his great Lawyers *Ulpian* and *Paulus* dissuaded him from the Project, as what wou'd infallibly give Occasion to much quarrelling and dissension; so that upon the whole he was contented only to distinguish the Senators from the Knights by their *Clavus*.

But all this Argument will come to nothing unless we can clear the Point about the use of Purple, among the *Romans*, which the *Civilians* tell us was strictly forbid the Common-People under the Emperours. It may therefore be observ'd that all the Prohibitions of this Nature, are restrain'd to some particular species of Purple. Thus *Julius Cæsar* forbid the use of the *Concubilian* Garments, or the *ἀλυσγίδες* (b). And *Nero* afterwards prohibited the ordinary Use of the *Amethystine* or *Tyrian Purple* (c). These Conjectures of *Rubenius* need no better confirmation than that they are repeated and approv'd by the most judicious *Grævius* (d).

According to this Opinion it is an easie Matter to reconcile the great Contest between *Manutius* and *Lipsius* and the inferior Critics of both Parties about the Colour of the *Tunic*, the former asserting it to be Purple, and the other White: For 'tis evident it might be call'd either if we suppose the Ground-Work to have, been White, with the addition of these Purple Lifts or Galoons.

(a) *Dacier* on *Horace*, lib. 1 Sat. 5. (b) *Sueton. Jul. cap. 43.* (c) *Idem Nero, cap. 32.* (d) *Ad Sueton. Jul. 43. Otho. 10. Domitian. 10.*

As to the Persons who had the Honour of wearing the *Laticlave* it may be maintain'd, that the Sons of those *Senators* who were *Patritians* had the Privilege of using this Vest in their Childhood together with the *Prætexta*. But the Sons of those *Senators* as were not *Patritians*, did not put on the *Laticlave* 'till they applied themselves to the Service of the Common-Wealth, and to bearing Offices (a). Yet *Augustus* chang'd this Custom and gave the Sons of any *Senators* leave to assume the *Laticlave* presently after the time of their putting on the *Toga Virilis*, tho' they were not yet capable of Honours (b). And by the particular Favour of the Emperours, the same Privilege was allow'd to the more splendid Families of the Knights. Thus *Ovid* speaks of himself and Brother, who are known to have been of the *Equestrian* Order.

*Interea, tacito passu. labentibus annis,
Liberior fratri sumpta mihiq; toga;
Induiturq; humeris. cum lato purpura clavo, &c. (c).*

And *Statius* of *Metius Celer*, whom in another Place he terms *Splendidissimus* (d), (the proper Stile of the Knights)

*———— Puer hic sudavit in armis
Notus adhuc tantum majoris munere clavi (e).*

Beside the Gown and *Tunic* we hardly meet with any Garments of the *Roman* Original, or that deserve the Labour of an enquiry into their Difference. Yet among these the *Lacerna* and the *Penula* occur more frequently than any other. In the old Gloss upon *Persius* Sat. 1. Verse 68. they are both call'd *Pallia*; which identity of Names might probably arise from the near resemblance they bore one to the other and both to the *Græcian Pallium*. The *Lacerna* was first us'd in the Camp. but afterwards admitted into the City, and worn upon their Gowns to defend them from the Weather. The *Penula* was sometimes us'd with the same Design, but being shorter and fitter for expedition, it was chiefly worn upon a Journey (f).

Rubenius will have the *Lacerna* and the *Penula* to be both close-bodied kind of Frocks, girt about in the Middle, the only Difference between them being that the *Penula* were always Brown, the *Lacerna* of no certain Colour; and that the *Cucullus* the Cowl or Hood was sow'd on the former, but worn as a distinct thing

(a) See *Pliny*. Lib. 8. Epist. 23. (b) *Sueton* Aug. cap. 37. (c) *Tristium* Lib. 4. Eleg. 10. (d) *Præfat.* ad lib. 3. *Sylvarum*. (e) *Sylv.* lib. 3. carm. 2. (f) See *Lipf.* Elect. lib. 1. cap. 13. Dr. *Holyday* on *Juvenal* Sat. 1.

from

from the other (a). But *Ferrarius* who has spent a whole Book in animadverting on that Author, wonders that any Body shou'd be so Ignorant, as not to know these two Garments to have been of a quite distinct Species (b).

It will be expected that the Habits of the *Roman* Priests shou'd be particularly describ'd; but we have no certain Intelligence, only what concerns the chief of them, the *Augurs*, the *Flamens*, and the *Pontifices*. The *Augurs* wore the *Trabea* first dy'd with Scarlet, and afterwards with Purple. *Rubenius* takes the Robe which *Herod* in Derision put on our Saviour to have been of this Nature, because St. *Matthew* calls it Scarlet, and St. *Luke* Purple. *Cicero* useth *Dibaphus* (a Garment twice dy'd) for the *Augural* Robe (c):

The proper Robe of the *Flamens* was the *Læna* a sort of Purple *Chlamys*, or almost a double Gown, fastn'd about the Neck with a Buckle or Clasp. It was interwoven curiously with Gold, so as to appear very Splendid and Magnificent. Thus *Virgil* describes his *Hero* in this Habit.

*———— Tiriog; ardebat murice læna
Demissa ex humeris: dives quæ munera Dido
Fecerat, & tenuis telas disceverat auro. Æn. 4.*

The *Pontiffs* had the honour of using the *Prætexta*; and so had the *Epulones*, as we learn from *Livy*. Lib. 43.

The Priests were remarkable for their modesty in Apparel, and therefore they made use only of the Common-purple, never affecting the more Chargeable and Splendid. Thus *Cicero*, *Vestitus asper nostrâ hâc purpurâ plebeiâ ac penè fuscâ* (d). He calls it our Purple because he himself was a Member of the College of *Augurs*.

There are two farther Remarks which may be made in reference to the Habits in general. First that in the time of any publick Calamity, 'twas an usual Custom to change their Apparel, as an Argument of Humility and Contrition; of which we meet with many Instances in History. On such Occasions the *Senators* laid by the *Laticlave*, and appear'd only in the Habit of Knights. The *Magistrates* threw aside the *Prætexta*, and came abroad in the Senatorian Garb. The Knights left off their Rings, and the Commons chang'd their Gowns for the *Sagum* or Military Coat (e).

(a) De *Laticlav.* lib. 1. cap. 6. (b) *Analect.* de Re Vest. cap. ult. (c) *Epist. Famil.* Lib. 2. Epist. 16. (d) *Pro Sestio.* (e) See *Ferrar.* de Re Vestiar. lib. 1. cap. 27.

The other Remark is the Observation of the great *Casaubon*, that the Habit of the Ancients, and particularly of the *Romans*, in no Respect differ'd more from the Modern Dress, than in that they had nothing answering to our breeches and Stockings which if we were to express in *Latin*, we shou'd call *femoralia* and *tibialia*. Yet instead of these under their lower Tunics or Waist-coats, they sometimes bound their Thighs and Legs round with Silken Scarfs or *fasciae*; tho' these had now and then the Name of *feminalia* or *femoralia* and *tibialia*, from the Parts to which they were apply'd (a).

As to the Habit of the other Sex, in the ancient Times of the Common-wealth the Gown was us'd alike by Men and Women (b). Afterwards the Women took up the *Stola* and the *Palla* for their separate Dress. The *Stola* was their ordinary Vest, worn within Doors, coming down to their Ankles: When they went abroad they slung over it the *Palla* or *Pallium*, a long open Manteau (c), which cover'd the *Stola* and their whole Body. Thus *Horace*,

Ad talos stola demissa & circumdata palla (d).

And *Virgil*, describing the Habit of *Camilla*,

Pro crinali auro, pro longæ tegmine palla

Tigridis exuvias per dorsum à vertice pendent (e).

Rubenius has found this Difference in the *Stolæ*, that those of the ordinary Women were White, trimm'd with a Golden Border; and those of Ladies of Quality Purple with Golden Purls (f).

They dress'd their Heads with what they call'd *Vitta* and *Fasciæ*, Ribbons and thin Sashes; and the last Sort they twist'd round their whole Body, next to the Skin, to make them Slender; to which *Terence* alludes in his *Eunuch* (g).

*Haud similis virgo est virginum nostrarum quas matres student
Demissis humeris esse, victo pectore, ut graciles sient.*

The former *Ovid* makes to be the distinguishing Badge of honest Matrons and chaste Virgins.

Este procul vittæ tenues insigne pudoris (h).

And describing the chaste *Daphne*, he says,

(a) *Sueton. August. cap. 82. Casaubon ad locum.* (b) *Vid. Ferrar. de re vest. lib. 3. cap. 17.* (c) *Dacier on Horace. lib. 1. Sat. 2. ver. 99.* (d) *Horace ibid.* (e) *Æn. 11. ver. 576.* (f) *De Laticlav. lib. 1. cap. 16.* (g) *Act. 2. Scen. 4.* (h) *De Art. Amand. lib. 1.*

Vitta coercebat positos sine lege capillos (a).

It's very observable that the Common Courtezans were not allow'd to appear in the *Stola*, but oblig'd to wear a sort of Gown, as a Mark of Infamy, by reason of its Resemblance to the Habit of the opposite Sex. Hence in that place of *Horace*.

— — — — — *Quid inter-*

est in matronâ, ancillâ peccesse togatâ? L. 1. S. 2. V. 63.

The most judicious *Dacier* understands by *Togatâ* the common Strumper, in opposition both to the Matron and the Serving-Maid.

Some have thought that the Women (on some Account or other) wore the *Lacerna* too: But the rise of this Fancy is owing to their Mistake of that Verse in *Juvenal*,

Ipse lacernatæ cum se jactaret amica.

Where it must be observ'd that the Poet does not speak of the ordinary Misses, but of the Eunuch *Sporus*, upon whom *Nero* made an Experiment in order to change his Sex. So that *Juvenal's Lacernatæ amica* is no more than if we shou'd say a *Mistress in Breeches*.

The Attire of the Head and Feet will take in all that remains of this Subject. As to the first of these it has been a former Remark that the *Romans* ordinarily us'd none, except the Lappit of their Gown; and this was not a constant Cover, but only occasional, to avoid the Rain, or Sun, or other accidental Inconveniences. Hence it is that we see none of the old Statues with any thing on their Heads, besides now and then a Wreath, or something of that Nature. *Eustathius* on the first of the *Odysseys*, tells us that the *Latins* deriv'd this Custom of going bareheaded from the *Greeks*; it being notorious that in the Age of the Heroes, no kinds of Hats or Caps were at all in Fashion: Nor is there any such thing to be met with in *Homer*. Yet at some particular Times we find the *Romans* using some sort of Covering for the Head; as at the *Sacrifices*, at the Publick Games, at the Feast of *Saturn*, upon a Journey, or a warlike Expedition. Some Persons too were allow'd to have their Heads always cover'd; as Men who had been lately made Free, and were thereupon shav'd close on their Head, might wear the *Pileus*, both as a Defence from the Cold, and as a Badge of their Liberty. And the same Privilege was granted to Persons under any Indisposition (b).

(a) *Metamorph. lib. 1. Fab. 9.* (b) *Lipsius de Amphithe. cap. 19.*

As for the several sorts of Coverings design'd for these Uses, many of them have been long confounded beyond any possibility of a Distinction: And the Learned *Salmastius* (a) has observ'd that the *Mitra*, the *Pileus*, the *Cucullus*, the *Galerus* and the *Palliolum*, were all Coverings of the Head, very little differing from one another, and promiscuously us'd by Authors. However there are some of them which deserve a more particular Enquiry.

The *Galerus Vossius* (c) derives from *Galea*, the *Roman* Helmet, to which we must suppose it to have born some Resemblance, *Servius*, when he reckons up the several sorts of the Priest's Caps, makes the *Galerus* one of them, being compos'd of the Skin of the Beast offer'd in Sacrifice: The other Two being the *Apex*, a stirch'd Cap in the form of a Helmet, with the addition of a little stick fix'd on the top, and wound about with white Wool; properly belonging to the *Flamines*; and the *Tutulus* a Woollen Turban much like the former, proper to the High-Priest. By the *Galerus* it's likely he means, the *Albo-Galerus* made of the Skin of a white Beast offer'd in Sacrifice, with the addition of some Twigs taken from a Wild-Olive-Tree; and belonging only to *Jupiter's Flamen*. Yet we find a sort of *Galerus* in use among the ordinary Men; and the *Galericulum* (which some do call *Galerus*) common to both Sexes. This was a Skin so neatly dress'd with Man or Women's Hair, that it cou'd not easily be distinguish'd from the Natural. It was particularly us'd by those who had thin Heads of Hair; as *Sueton* reports of *Nero* (b): As also by the Wrestlers to keep their own Hair from receiving any Damage by the nasty Oyls with which they were rubb'd all over before they exercis'd. This we learn from *Martial's* Distich on the *Galericulum*.

*Ne lures immundum nitidos ceroma capillos
Hæc poteris madidas condere pelle comas:*

The *Pileus* was the ordinary Cap or Hat worn at Publick Shews and Sacrifices, and by the Freed-Men. For a Journey they had the *Petastus*, differing only from the former in that it had broader Brims, and bore a nearer Resemblance to our Hats, as appears from the common Pictures of *Mercury*: And hence it took its Name from *πτερόν* to open or spread out (d).

The *Mitra*, the *Tiara*, and the *Diadem*, tho' we often meet with them in *Roman* Authors, are none of them beholden to that Nation for their Original. The *Mitre* seems to owe its Inventi-

(a) a Vopisc. & ad Grævii *Sueton. Claud.* 2. (b) *Cap.* 12. (c) *Vossius* *Ety-molog.* in v. *Petastus*. (d) *Lipsius* de *Amphitheat.* cap. 19.

on to the *Trojans*; being a crooked Cap, tied under the Chin with Ribbons. It belong'd only to the Women among the *Romans*; and is attributed to the foreign Courtezans that set up their Trade in that City: such as the

——— *Pistâ lupa barbara mitrâ*

in *Juvenal*. Yet among the *Trojans* we find it in use among the Men. Thus *Remulus* scouts them in *Virgil*.

*Et tunicae manicas & habent redimicula mitræ:
O verè Phrygiæ; neq; enim Phryges* (a) !

And even *Aeneas* himself is by *Iarbas* describ'd in this Dress.

*Mæoniâ mentum mitrâ crinemq; madentem
Subnexus* *Æn.* 4. 216.

The *Tiara* was the Cap of State us'd by all the Eastern Kings, and Great Men, only with this difference, that the Princes wore it with a sharp strait Top, and the Nobles with the Point a little bending downwards (b).

The *Diadem* belong'd to the Kings of *Rome* as well as to the foreign Princes. This seems to have been no more than a white Scarf or *Fascia* bound about the Head like that which composeth the *Turkish* Turban: Those who are willing to find some nearer Resemblance between the *Diadem* and our Modern Crowns, may be convinc'd of their Mistake from that Passage of *Plutarch*, where he tells us of a Princess that made use of her *Diadem* to hang herself with (c).

These white *Fasciæ* among the *Romans* were always look'd on as the Marks of Sovereignty; and therefore when *Pompey* the Great appear'd commonly abroad with a white Scarf wound about his Leg, upon pretence of a Bruise or an Ulcer, those who were jealous of his growing Power, did not fail to interpret it as an Omen of his affecting the supreme Command, and one *Favonius* plainly told him, it made little Odds on what Part he wore the *Diadem*, the Intention being much the same (d).

To descend to the Feet, the several sorts of the *Roman* Shooes, Slippers, &c. which most frequently occur in reading, are the *Perones*, the *Calcei lunati*, the *Mullei*, the *Soleæ* and *Crepideæ*, and the *Caligæ*; besides the *Cothurnus* and *Soccus* which have been already describ'd.

(a) *Æn.* 9. 616. (b) *Dempster* ad *Rosin* lib. 5. cap. 35. (c) *Plut.* in *Lucull.* (d) *Valer. Max.* lib. 6. cap. 2.

The *Perones* were a kind of High-Shoes rudely form'd of raw Hides, and reaching up to the Middle of the Leg. They were not only us'd by the Country-People, as some imagine; but in the City too by Men of ordinary Rank. Nay, *Rubenius* avers that in the elder times of the Common-Wealth, the Senators as well as others went in the *Pero's* (a). However when they came to be a little polish'd they left this clumsy Wear to the Plough-Men and Labourers; and we scarce find them applied to any one else by the Authors of the flourishing Ages. Thus *Persius* brings in the.

——— *Peronatus arator*; S. 5. V. 102.

And *Juvenal*

——— *Quem non pudet alto*
Per glaciem perone segi.——— S. 14. V. 186.

Virgil indeed makes some of his Soldiers wear the *Pero*: But then they were only a company of plain Rusticks, *Legio agrestis*, as he calls them; and besides they wore it but on one Foot.

——— *Vestigia nuda sinistri*
Instituere pedis, crudus tegit altera pero. Æn. 7. 690.

The *Calcei Lunati* were proper to the Patritians to distinguish them from the Vulgar, so call'd from an Half-Moon in Ivory worn upon them. *Baldwin* will have the Half-Moon to have serv'd in stead of a *Fibula* or Buckle (b): But *Rubenius* (c) refutes this Conjecture, by showing from *Philostratus*, that it was worn by way of Ornament, not on the fore-part of the Shoe like the Buckle, but about the Ankle, *Plutarch* in his *Roman Questions* gives abundance of Reasons why they us'd the Half-Moon rather than any other Figure; but none of his Fancies have met with any Approbation from the Learned. The common Opinion makes this Custom an allusion to the Number of Senators at their first institution; which being an Hundred was Signified by the Numeral Letter C.

Yet the *Patritians* before they arriv'd at the Senatorian Age, and even before they put on the *Prætexta* had the Privilege of using the Half-Moon on their Shoes. Thus *Statius Sylv.* 5.

Sic te clare puer genitum sibi curia sensit:
Præmag; Patritiâ clausit vestigia lunæ:

(a) De Laticlav. lib. 2. cap. 1. (b) De Calceo. Antiqu. cap. 9. (c) De Laticlav. lib. 2. cap.

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As for the Senators who were not *Patritians* they did not indeed wear the Half-Moon, but that Ornament seems not to have been the only Difference between the Senatorian and the common Shoes. For the former are commonly represented as Black, and coming up to the middle of the Leg; as in *Horace* Book 1. Sat. 6.

——— *Nigrum medium impedit crus*

Pellibus.

Rubenius will have this understood only of the Four black Straps, which he says fasten'd the Senators' Shoes, being ty'd pretty high on the Leg (a). *Dacier* tells us the Senators had two sorts of Shoes one for Summer, and the other for Winter. The Summer Shoes he describes with such Leathern Straps crossing one another many times about the Leg, and nothing but a Sole at the Bottom. These he calls *Campagi*: (tho' *Rubenius* attributes this Name to a sort of *Caliga* worn by the Senators under the later Emperours (b).) The Winter-Shoes he says were made of an entire black Skin, or sometimes of a white one reaching up to cover the greatest part of the Leg, without any open Place except on the Top (c).

It's uncertain whether the *Calcei Mullei* were so call'd from the Colour of the Muller, or whether they lent a Name to that Fish from their reddish Dye. They were at first the peculiar Wear of the *Alban Kings*, afterwards of the Kings of *Rome*, and upon the Establishment of the free State were appropriated to those Persons who had born any *Curule* Office; but perhaps they might be worn only on great Days at the Celebration of some Publick Sports, when they were arriv'd in the whole Triumphal Habit, of which too these Shoes made a part. *Julius Cæsar*, as he was very singular in his whole Habit, so was particularly remarkable for wearing the *Mullei* on ordinary Days; which he did to show his Descent from the *Alban Kings* (d). In Colour and Fashion they resembled the *Cothurni*, coming up to the middle Leg, tho' they did not cover the whole Foot but only the Sole like Sandals (e). *Dacier* informs us that at such time as the Emperours took up the use of these red Shoes, the *Curule* Magistrates chang'd the Fashion for Embroider'd ones (f).

The *Roman Soleæ* were a sort of Sandals or Pantofles without any Upper-Leather, so that they cover'd only the Sole of the Foot,

(a) De re Vest. lib. 2. cap. 3. (b) Ibid. cap. 5. (c) *Dacier* on *Horace* Book. 1. Sat. 6. (d) *Dio*, lib. 49. (e) *Lib.* 2. cap. 2. (f) *Dacier* on *Horace* Book. 1. Sat. 6.

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being fasten'd above with Straps and Buckles. These were the ordinary Fashion of the Women, and therefore counted Scandalous in the other Sex. Thus *Cicero* exposeth *Verres* (a), and *Clodius* (b) for using this indecent Wear, and *Livy* acquaints us that the great *Seipio* was censur'd on the same Account (c). Yet upon all Occasions of Mirth and Recreation or lawful Indulgence 'twas Customary for the Men to go thus loosely shod. As at Entertainments, and at the Publick Shews of all sorts in the *Circos* or Amphitheatres.

The *Crepida*, which now and then occur in *Roman* Authors, are generally suppos'd to be the same as the *Solea* under the *Greek* Name *ὑμνιδες*. But *Baldwin* is so Nice as to assign this Difference, that the *Crepida* had two Soles, whereas the *Solea* consisted of but one. Therefore he is not willing to be beholden to the *Greeks* for the Word, but thinks it may be deriv'd from the *Crepitus* or creaking that they made, which could not be so well conceiv'd in those which had but a single Leather (d). That the *Græcian* *ὑμνιδες* did really make such a kind of Noise (which we can't easily imagine of the *Solea*) is plain from the common Story of *Momus*, who being brought to give his Censure of *Venus*, cou'd find no Fault only that her *ὑμνιδες* or Slipper creak'd a little too much.

The *Caliga* was the proper Soldiers Shooe, made in the Sandal Fashion, so as not to cover the upper Part of the Foot, tho' it reach'd to the Middle of the Leg. The Sole was of Wood like our old Galoches, or the *Sabots* of the *French* Peasants, and stuck full of Nails. These Nails were usually so very long in the Shooes of the Scouts and Sentinels, that *Suetonius* (e) and *Tertullian* (f) call those *Caligæ Speculatoriæ*, as if by mounting the Wearer to a higher Pitch, they gave a greater Advantage to the Sight.

'Twas from these *Caligæ* that the Emperour *Caligula* took his Name, having been born in the Army, and afterwards bred up in the Habit of a Common-Soldier (g). And hence *Juvenal* (h) and *Suetonius* (i) use *Caligati* for the Common-Soldiers without the addition of a Substantive.

(a) *Verrin*. 4. (b) *De Harusp. Respons.* (c) *Lib.* 29. (d) *Baldwin* *Calc. Antiqu.* cap. 13. (e) *Caligul.* cap. 52. (f) *De Coron. Milit.* (g) *Sueton. Caligul.* Cap. 9. (h) *Sat.* 16. v. 24. (i) *August.* 25.

CHAP.

CHAP. IX.

Of the ROMAN Marriages.

THE Marriages of the *Romans*, which have been so learnedly explain'd by so many eminent Hands, as the great Lawyers *Tiraguel*, *Sigonius*, *Brissonus*, and the two *Hotmans*, will appear very intelligible from a diligent enquiry into the Espousals, the Persons that might lawfully marry with one another, the proper Season for Marriage, the several Ways of contracting Matrimony, the Ceremonies of the Wedding, and the Causes and Manner of Divorces.

The espousals or Contract before Marriage was perform'd by an Engagement of the Friends on both Sides, and might be done as well between absent Persons as Present; as well in private, as before Witnesses. Yet the common Way of Betrothing was by Writings drawn up by common Consent, and seal'd by both Parties. Thus *Juvenal* *Sat.* 6.

*Si tibi legitimis pactam junctamq; tabellis
Non es amaturus.*

And again *Sat.* 10.

——— *Veniet cum Signatoribus auspex.*

Besides this, the Man sent a Ring as a Pledge to the Woman, which in *Pliny's* time was us'd to be of Iron, without any Stone in it (a). Thus the same Satyrist

*Conventum tamen & pactum & sponsalia nostra
Tempestate paras, jamq; à consore magistro
Petteris, & digito pignus fortasse dedisti.* *Sat.* 6.

There was no Age determin'd by the Laws for Espousals, but they might be made at any time, provided that both Parties were sensible of the Obligation; which they were not suppos'd to be 'till their Seventh Year. Yet *Augustus* afterwards order'd that no Espousals shou'd be esteem'd valid, except such as were consummated by the Nuptials within Two Years Time (b).

No *Roman* might marry with any other than a *Roman*; but then this was extended to any free Denizon of the City, tho'

(a) *Plin. N. H. lib.* 33. cap. 1. (b) *Sueton. Aug.* cap. 34.

born in any other Parts : For thus *Dionysius* (a), reports of the *Latines*, *Livy* (b) of the *Campanians*, and *Cicero* (c) of the Inhabitants of *Aricia*. Yet in *Rome* we meet with one eminent restraint about these Matters, and that is a Law of the *Decemviri* prohibiting any Marriage between the *Patritian* Families and the *Pebeians*. But within Seven or Eight Years the Commons had given so many dangerous Tokens of their resentment of this Injury, that upon the Motion of *Canuleius Tribune* of the People, the *Consuls* were e'en forc'd to give consent to the enacting of a contrary Decree, allowing a free alliance in Marriage between Persons of all Orders and Degrees (d).

The *Romans* were very superstitious in reference to the Particular Time of Marriage, fancying several Days and Seasons very Unfortunate to this Design. The *Kalends*, *Nones*, and *Ides* of every Month were strictly avoided. So was the whole Feast of the *Parentalia* in *February*, as *Ovid* observes *Fastor.* 2.

*Conde tuas, Hymenæe, faces, & ab ignibus aris
Aufer, habent alias mæstra sepulchra faces.*

Go, *Hymen*, Stop the long expecting Dames,
And hide thy Torches from the dismal Flames.
Thy Presence wou'd be fatal while we mourn ;
And at sad Tombs must other Tapers burn.

The whole Month of *May*, was look'd on as Ominous to contracting Matrimony as *Plutarch* acquaints us in his *Roman Questions*. And *Ovid*, *Fast.* 5.

*Nec viduæ tædis eadem, nec virginis apta
Tempora, quæ nupsit nec diuturna fuit.
Hæc quoq; de causâ, si te proverbia tangunt,
Mense malas maio nubere vulgus ait.*

No Tapers then shou'd burn, nor ever Bride
Link'd at this Season long her Bliss enjoy'd.
Hence our wise Masters of the Proverbs say :
The Girls are all stark Naught that wed in *May*.

In short the most happy Season in all Respects for Celebrating the Nuptial Solemnity was that which follow'd the *Ides* of *June*. Thus *Ovid* speaking of his Daughter

*Hanc ego cum vellem genero dare tempora tædæ
Apta requirebam, quæq; cavenda forent.
Tunc mihi post sacras monstratur Julius Idus
Utilis & nuptiæ, utilis esse viris. Fast. 2.*

(a) Lib. 6. (b) Lib. 38. (c) In *Philipp.* (d) *Liv.* Lib. 4

Resolved

Resolved to match the Girl I tried to find
What Days unprosperous were, what Moons were kind.
After *June's* Sacred Ides my fancy staid,
Good to the Man and Happy to the Maid.

The Three Ways of contracting Matrimony, were *farre*, *coemptione*, and *usu*, which fall properly under the consideration of the Civil-Law ; the main difference of them in short was this. *Confarreatio* was when the Matrimonial Rites were perform'd with solemn Sacrifices, and Offerings of burnt Cakes, by the *Pontifex Maximus* and the *Flamen Dialis*. *Pliny* says this was the most Sacred Tye of all (a) : Yet we are assur'd that after some time it was almost universally laid a side, as thought to include too many troublesome Ceremonies (b). A Divorce after this way of Marriage, *Festus* call's *Diffarreatio*. *Coemptio* was when the Persons solemnly bound themselves to one another by the Ceremony of giving and taking a Piece of Money, the Marriage was said to be made by *use*, when with the Consent of her Friends the Woman had liv'd with the Man a whole Year compleat without being absent Three Nights ; at which time she was reckon'd in all Respects a lawful Wife, tho' not near so closely join'd as in the former Cases.

The Nuptial Ceremonies were always begun with the taking of Omens by the *Auspices*, Hence *Tully*, *Nubit genero fœcus nullis auspiciis, nullis auctoribus, funestum omnibus omnium* (c).

In dressing the Bride they never omitted to divide her Locks with the Head of a Spear ; either as a token that their Marriages first began by War and Acts of Hostility upon the Rape of the *Sabine Virgins* (d) : Or as an Omen of bearing a valiant and warlike Off-spring : Or to remind the Bride, that being married to One of a Martial Race, she shou'd use her self to no other than a plain unaffected Dress : Or because the greatest Part of the Nuptial Care is referr'd to *Junio*, to whom the Spear is Sacred, whence she took the Name of *Dea Quirîn* ; *Quirîn* among the Ancients signifying this Weapon (e), *Ovid*. alludes to this Custom in the second of his *Fasti*.

*Nec tibi quæ cupide matura videre matri
Comat virgineas hasta recurva comas.*

Thou whom thy Mother frets to see a Maid,
Let no bent Spear thy Virgin Locks divide.

(a) Lib. 18. cap. 2. (b) *Tacit.* *Annal.* 4. (c) *Orat. pro Cluent.* (d) *Plutarch* in *Romul.* (e) *Ibid.* *Quæst. Rom.* 87.

In

In the next Place they crown'd her with a Chaplet of Flowers, and put on her Veil or *Flammeum*, proper on this Occasion. Thus *Catullus*,

*Cinge tempora Floribus :
Suaveolentis amaraci
Flammeum cape.*

And *Juvenal*, describing *Messalina* when about to marry *Silius*.

-----*Dudum sedet illa parato*

Flammeolo. Sat. 10.

Instead of her ordinary Cloaths she wore the *Tunica recta* or common *Tunic*, call'd *recta* from being woven upwards, of the same Nature with that which the young Men put on with their *Manly Gown* (a); this was tied about with a Girdle which the Bridegroom was to unloose.

Being dress'd after this Manner in the Evening she was lead towards the Bridegroom's House by Three Boys habited in the *Prætexta*, whose Fathers and Mothers were alive. Five Torches were carried to light her; for which particular Number *Plutarch* has troubled himself to find out several Reasons (b). A Distaff and a Spindle was likewise born along with her, in memory of *Caia Cecilia* or *Tanaquil*, Wife to *Tarquinius Priscus*, a famous Spinster (c): And on the same account the Bride call'd her self *Caia*, during the Nuptial Solemnity as a fortunate Name.

Being come to the Door (which was garnish'd with Flowers and Leaves, according to that of *Catullus*.

Vestibulum ut molli velatum fronde viveret.)

she bound about the Posts with Woollen Lists, and wash'd them over with melted Tallow, to keep out Infection, and Sorcery. This Custom *Virgil* alludes to *Æn. 4.*

*Præterea fuit in tectis de marmore templum
Conjugis antiqui miro quod honore colebat
Velleribus niveis, Et festâ fronde revinctum.*

Being to go into the House she was not by any means to touch the Threshold, but was lifted over by main strength. Either because the Threshold was Sacred to *Vesta*, a most chaste Goddess, and so ought not to be desil'd by one in these Circumstances: Or

(a) *Pliny. lib. 8. cap. 48.* (b) *Rom. Quæst. 2.* (c) *Pliny. lib. 8. cap. 48.*
else

else that it might seem a piece of Modesty to be compell'd into a Place where she was to lose her Maiden-Head (a).

Upon her entrance she had the Keys of the House deliver'd to her, and was presented by the Bridegroom with Two Vessels, one of Fire, the other of Water; either as an Emblem of Purity and Chastity, or as a Communication of Goods, or as an Earnest of sticking by one another in the greatest Extremities (b).

And now she and her Companions were treated by the Bridegroom at a splendid Feast, on which Occasion the Sumptuary Laws allow'd a little more Liberty than ordinary in the Expences. This kind of Treat was seldom without Musick, compos'd commonly of Flutes; the Company all the while singing *Thalassius* or *Thalassio*, as the Greeks did *Hymenæus*. There are several Reasons given by *Plutarch* (c) for the use of this Word, the common Opinion makes it an Admonishment to good Husbandry, the Greek Word *thalassia* signifying *Spinning*; and among the Conditions which were agreed upon by the *Sabines* and *Romans* after the Rape of the Virgins, This was one, that the Women shou'd be obliged to do no other servile Office for their *Husbands*, any farther than what concern'd *Spinning*.

At the same time the Bridegroom threw Nuts about the Room for the Boys to scramble: Thus *Virgil* *Eclog. 8.*

Sparge, marite, nuces.-----

Out of the many Reasons given for this Custom the most commonly receiv'd makes it a Token of their leaving Childish Diversions, and entring on a more serious State of Life, whence *Nucibus relicti* has pass'd into a Proverb. This Conjecture is favour'd by *Catullus*

*Da nuces pueris, iners
Concubine: Satis diu
Lusisti nucibus. Lubet
Jam servire Thalassio.
Concubine, nuces da.*

In the mean time the Genial Bed was got ready, and a Set of good old Wives, that had been never married but to one Man, plac'd the Bride on it with a great deal of Ceremony. Thus *Catullus*,

*Vos bonæ senibus viris
Cognitæ breve fœmine
Collocate puellulam.
Jam licet venias, marite, &c.*

(a) *Plutarch Rom. Quæst. 1. Servius ad Virgil. Eclog. 8.* (b) *Plutarch. Rom. Quæst. 1.* (c) *Idem in Romul. & Rom. Quæst. 31.*

Nothing now remain'd but for the Bridegroom to loose her Girdle, a custom that wants no Explanation; only it may be observ'd to have been of great Antiquity: Thus *Moschus* in his Story of *Jupiter* and *Europa*:

— Ζεύς δὲ πάλιν ἐπέβη ἀνελάβετο μοσχίν,
 ἄσπε δὲ οἱ μήτην.

Homer Odyss. 2.

Ἄσπεν παρθενικὴν ζώνην.

And *Museus* in *Hero* and *Leander*:

Ὡς ἡ μὲν ταῦτ' εἶπεν ὁ δ' αὐτίκα λύσπετο μήτην
 Καὶ θεσμών ἐπέβησαν ἀεικλονὺς κυνερείης

There seldom wanted a Company of Boys, and mad Sparks got together, to sing a parcel of Bawdy Verses, which were tolerated on this Occasion. They consisted of a kind of *Fescennine* Rhymes. Hence *Catullus*.

*Nec diu taceat procax
 Fescennina locutio.*

And *Claudian*:

*Permissisq; jocis turba licentior
 Exulter tetricis libera legibus.*

The Day after, the new Married Man held a stately Supper, and invited all his old Companions to a Drinking Match; which they term'd *repotia*.

The whole Subject of Divorces belongs entirely to the Lawyers, and the distinction between *repudium* and *divortium* is owing to their Nicety; the first they make the breaking off a Contract, or Espousal; and the last a Separation after actual Matrimony. *Plutarch* mentions a very severe Law of *Romulus*, which suffer'd not a Wife to leave her Husband, but gave a Man the Liberty of turning off his Wife, either upon poisoning her Children, or counterfeiting his private Keys, or for the Crime of Adultery. But if the Husband on any other Occasion put her away, he order'd one Moiety of his Estate to be given to the Wife, and the other to fall to the Goddess *Ceres*; and that who ever sent away his Wife shou'd make an Atonement to the Gods of the Earth (a). 'Tis very memorable that almost Six Hundred Years after the Building of the City, one *P. Servilius* or *Carvilius Spurius*, was the first of the *Romans* that ever put away his Wife (b).

(a) *Plutarch* in *Romul.* (b) *Valer. Max. lib. 2. cap. 1. Plutarch Compar. Romul. & Thef. & Rom. Qu. 13.*

The common way of Divorcing was by sending a Bill to the Woman containing the Reasons of the Separation and the tender of all her Goods which she brought with her, this they term'd *repudium mittere*. Or else it was perform'd in her presence before sufficient Witnesses, with the Formalities of tearing the Writings, refunding the Portion, taking away the Keys, and turning the Woman out of Doors. But however the Law of *Romulus* came to fail, it's certain that in later Times the Women too as well as the Men might sue a Divorce, and enter on a separate Life. Thus *Juvenal* Sat 9.

-----*Fugientem sepe puellam
 Amplexu rapui, tabulas quoq; fregerat & jam
 Signabat.*

And *Martial* Lib. 10. Epigr. 41.

*Mense novo Maii veterem Proculaia maritum
 Deseris, atq; jubes res sibi habere suas.*

We have here a fair Opportunity to enquire into the grounds of the common Opinion about the borrowing and lending of Wives among the *Romans*. He that chargeth them most severely with this Practice is the most Learned *Tertullian* in his *Apology*, chap. 39. *Omnia indiscreta sunt apud nos, &c. All things* (says he, speaking of the *Christians*) *are common among us, except our Wives: We admit no Partnership in that one Thing, in which other Men are more professedly Partners, who not only make use of their Friend's Bed, but very patiently expose their own Wives to a new Embrace: I suppose, according to the Institution of the most wise Ancients, the Græcian Socrates, and the Roman Cato, who freely lent out their Wives to their Friends.* And presently after, *O sapientia Attica & Romana gravitatis exemplum! leno est Philosophus & Censor. O wondrous Example of Attick Wisdom, and of Roman Gravity! a Philosopher and a Censor turn a Pair of Pimps.*

Chiefly on the strength of this Authority, the *Romans* have been generally tax'd with such a Custom: And a very great Man of our own Country (a) expresseth his Compliance with the vulgar Opinion, tho' he ingeniously extenuates the Fault in a parallel Instance. So much indeed must be granted that tho' the Laws made those Husbands liable to a Penalty who either hir'd out their Wives for Money, or kept them after they had been actually convicted of Adultery; yet the bare permission of that

(a) *Sir William Temple*, Introduction to the Hist. of Eng. Crime

Crime did not fall under the Notice of the civil Power. And *Ulpian* says expressly, *ei qui patitur uxorem suam delinquere, matrimonium; suum contemnit; qui; contaminatione non indignatur, poena adulterii non infligitur*. He that suffers his Wife to defile his Bed, and contemning his Matrimonial Contract is not displeas'd at the Pollution, does not incur the Penalty of Adulterers. But 'tis almost impossible that this should give Occasion to such a Fancy, being no more than what is tolerated at present. It may therefore be alledg'd in Favour of the *Romans* that this Opinion might probably have its Rise from the frequent practice of that sort of Marriage, according to which a Woman was made a Wife only by Possession and Use, without any farther Ceremony. This was the most Incomplete of all Conjugal Ties; the Wife being so, rather by the Law of Nature, than according to the *Roman* Constitution; and therefore she was not call'd *Materfamilias*, nor had any Right to inherit the Goods of her Husband; being suppos'd to be taken purely on the Account of procreating Issue: So that after the bearing of Three or Four Children, she might lawfully be given to another Man.

As to the Example of *Cato* (not to urge that *Tertullian* has mistook the *Censor* for him of *Utica*, and so lost the Sting of his *Sarcasm*) the best Accounts of that Matter may be had from *Strabo* and *Plutarch*. The Place of *Strabo* is in his seventh Book. *Ἰσορροσι δὲ καὶ τῷ Ταπύρων ὅτι αὐτοῖς εἰν νόμιμον τὰς γυναῖκας τὰς γαμετὰς ἐκδιδόναι ἑτέροις ἀνδράσιν ἐπειδὴν ἐξ αὐτῶν ἀνέλονται δύο ἢ τρεῖς τέκνα· καθάπερ καὶ Κάτων Ὀρθησίῳ δεικνύσι· ἔξεδωκε τὴν Μαρτίαν ἐφ' ἡμῶν, κατὰ παλαιὸν Ῥωμαίων ἥθος.* They report of these *Tapurians* that 'tis counted lawful among them to give away their Wives to other Men, after they have had Two or Three Children by them: As *Cato*, in our time, upon the request of *Hortensius*, gave him his Wife *Marcia*, according to the old Custom of the *Romans*. Here by *ἐκδιδόναι* and *ἐξέδωκε* we should not understand the lending or letting out of Women, but the marrying them to new Husbands; as *Plato* useth *ἐκδοσιν θυγατέρων παιέων* to bestow Daughters in Marriage.

Plutarch before he proceeds to his Relation, has promis'd that this Passage in the Life of *Cato*, looks like a Fable in a Play, and is very difficult to be clear'd, or made out with any certainty. His Narration is taken out of *Thraseas*, who had it from *Münatius*, *Cato's* Friend and constant Companion, and runs to this Effect.

Quintus Hortensius, a Man of signal Worth, and approved Virtue, was not content to live in Friendship and Familiarity with *Cato*, but d^d also to be united to his Family, by some alliance

alliance in Marriage. Therefore waiting upon *Cato* he begun to make a Proposal about taking *Cato's* Daughter *Porcia* from *Bibulus*, to whom she had already born three Children, and making her his own Wife, offering to restore her after he had born him a Child, if *Bibulus* was not willing to part with her altogether: Adding that tho' this in the Opinion of Men might seem Strange, yet in Nature it wou'd appear Honest and Profitable to the Publick, with much more to the same Purpose. *Cato* cou'd not but express his Wonder at the strange Project, but withal approv'd very well of uniting their Houses: When *Hortensius* turning the Discourse did not stick to acknowledge, that it was *Cato's* own Wife which he really desir'd. *Cato* perceiving his earnest Inclinations, did not deny his Request, but said that *Philip* the Father of *Martia* ought also to be consulted. *Philip*, being sent for, came, and finding they were well agreed, gave his Daughter *Martia* to *Hortensius*, in the presence of *Cato*, who himself also assisted at the Marriage.

So that this was nothing like lending a Wife out, but actually marrying her to another while her first Husband was alive, to whom she may be suppos'd to have came by that kind of Matrimony which is founded in the right of Possession. And upon the whole the *Romans* seem to have been hitherto Unjustly Taxed the Allowance of a Custom not usually practis'd among the most barbarous and savage part of Mankind.

CHAP. X.

Of the ROMAN Funerals.

THE most ancient and generally receiv'd Ways of Burying have been Interring and Burning; and both these we find at the same time in Use among the *Romans*, borrow'd in all probability from the *Gracians*. That the *Gracians* interr'd their dead Bodies may in short be evinc'd from the Story of the *Ephesian* Matron in *Petronius*, who is describ'd sitting and watching her Husband's Body laid in a Vault. And from the Argument which *Solon* brought to justify the Right of the *Athenians* to the Isle of *Salamis*, taken from the dead Bodies which were buried there not after the manner of their Competitors the *Megarensians*, but according to the *Athenian* Fashion; for that the *Megarensians* turn'd the Carcase to the East, and the *Athenians* to the West; and that the *Athenians* had a Sepulchre for every Body,

whereas

whereas the *Megarensians* put Two or Three into one (a). That the same People sometimes burat their dead is beyond dispute from the Testimony of *Plutarch*, who speaking of the Death of *Phocion* tells us, that for some time none of the *Athenians* dar'd light a Funeral Pile, to burn the Body after their manner. As also from the description of the Plague of *Athens* in *Thucydides* *ὅτι πύρας καὶ ἀντορίας*, &c, with the Translation of which passage *Lucretius* concludes his Poem.

*Namq; suos consanguineos aliena rogorum
Insper extructa ingenti clamore locabant,
Sudebantq; faces, multo cum sanguine sæpè
Rixantes potius quam corpora deferrentur.*

To prove that both these ways of Burial were us'd by the *Romans* is almost unnecessary. For Burning is known by every one to have been their common Practice. And as for Interring, their great Law-giver *Numa* particularly forbade the burning of his own Body, but commanded it to be laid entire in a Stone Coffin (b). And we learn from *Cicero* (c) and *Pliny* (d), that the Family of the *Cornelii* interr'd their Dead all along 'till the time of *Sylla* the Dictator, who in his Will gave exprefs Orders to have his Body burnt: Probably to avoid the Indignities that might have been offer'd it after burial by the *Marian* Faction, in return for the violence shou'd by *Sylla's* Soldiers to the Tomb and Reliques of *Marius*.

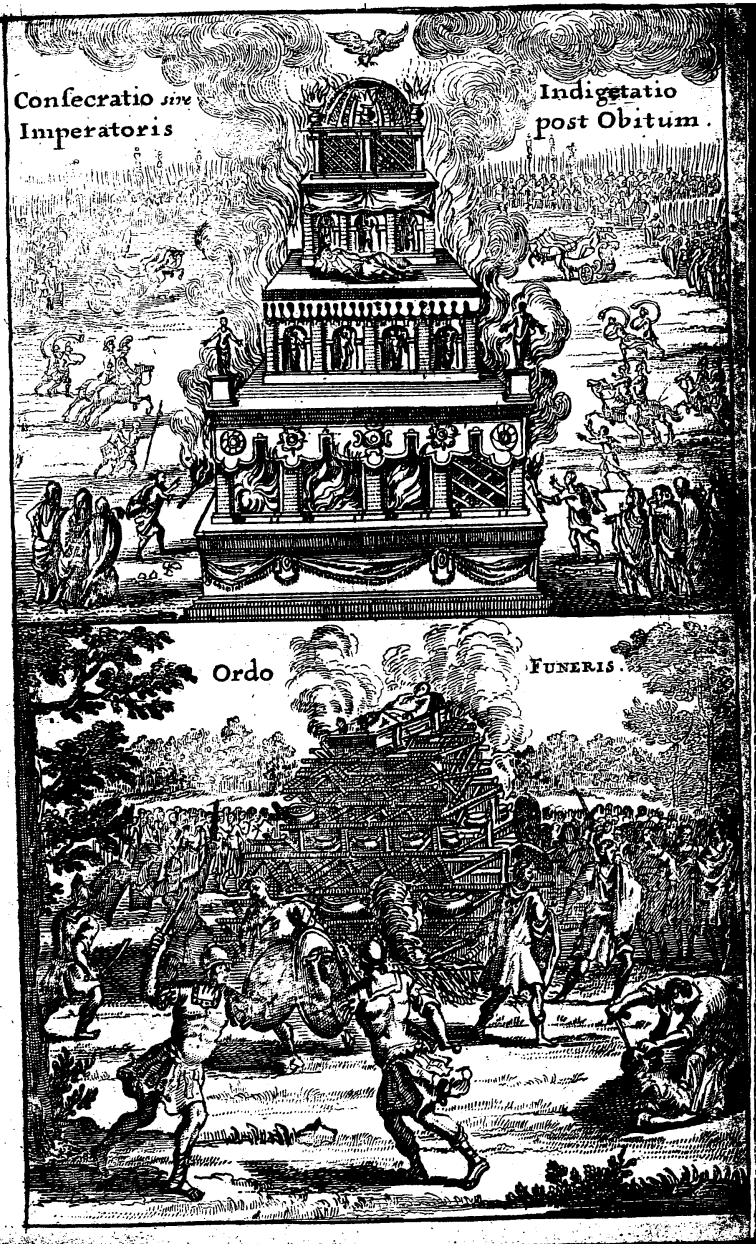
But tho' Burning was the ordinary Custom, yet in some particular Cases it was Positively forbid, and look'd on as the highest Impiety. Thus Infants who died before the breeding of Teeth were enclos'd unburnt in the Ground (e).

-----*Terrâ clauditur infans*

Et minor igne rogi. Juvenal Sat. 15.

The Place set apart for the interment of these Infants was call'd *Suggrundarium*. The same Superstition was observ'd in reference to Persons who had been struck dead with Lightning or Thunder (f). For they were never burnt again, but after a great deal of Ceremony perform'd by the *Auspices*, and the Sacrifice of a Sheep, were either put into the Earth, or else sometime let alone to lie upon the Ground where they had fallen. In both Cases the Place was presently inclos'd either with a stone Wall, or Stakes, or sometimes only with a Rope, having the Name of *Bidental*,

a) *Plutarch* in *Solon*. (b) *Plutarch* in *Nym*. (c) *De Leg.* lib. 2. (d) *N. H.* lib. 7. cap. 54. (e) *Idem* lib. 7. cap. 16. (f) *Idem* lib. 2. cap. 54. from



from the *Bidens* or Sheep that was offer'd. *Perſus* uſeth *Bidental* for the Perſon that had come to this unhappy End.

*An quia non fibris ovium Ergennâq; jubente
Trifte jaces lucis, evitandumq; bidental. Sat.*

For they fanſied that where e'er a Thunder-Bolt fell, the Gods had a particular Deſire to have that place Sacred to their Worſhip; and therefore whether a Man had been kill'd or no, they uſ'd the ſame Superſtition in hallowing the Ground (a).

The ſeveral ſorts of Funerals fall under the common Heads of *Funus indiſtinctum* and *Funus tacitum*. The *funus indiſtinctum* had its Name *ab indicendo* from inviting, becauſe on ſuch Occaſions there was made a general Invitation of the People by the Mouth of a Publick Cryer. This was celebrated with extraordinary Splendor and Magnificence, the People being preſented with publick Shows, and other uncommon Divertiſements. The *Funus Publicum*, which we meet with ſo often, may be ſometimes underſtood as entirely the ſame with the *Indiſtinctive* Funeral, and ſometimes only as a ſpecies of it. It is the ſame when it denotes all the State and Grandeur of the more noble Funerals, ſuch as were uſually kept for rich and great Men. It is only a ſpecies of the *Indiſtinctive* Funeral, when either it ſignifies the proclaiming of a *Vacation*, and an enjoyment of publick Sorrow, or the deſtroying the Charges of the Funeral out of the Publick Stock. For 'tis probable that at both theſe Solemnities a general Invitation was made by the Cryer, yet in this Latter it was done by Order of the Senate, and in the Former by the Will of the deceas'd Perſon, or the Pleaſure of his Heirs. But no one will hence conclude, that the Funerals of all ſuch rich Men were attended with the Formality of a *Vacation*, and an Order for Publick Grief. For this was counted the greateſt Honour that cou'd be ſhow'd to the Relicts of Princes themſelves: Thus the Senate decreed a publick Funeral for *Syphax*, the once great King of *Numidia*; and for *Perſes* King of *Macedon*, who both died in Priſon under the Power of the *Romans* (b). And *Suetonius* informs us, that *Tiberius*, (c) and *Vitellius*, (d) were buried in the ſame State. Yet upon account of having perform'd any ſignal Service to the Common-wealth, this Honour was often conferr'd on private Men: and ſometimes upon Women too, as *Dio* relates of *Attia*

(a) Dacier on *Horace* Art. Poet. Verſe 471. (b) *Val. Max.* lib. 5. cap. 1. (c) Cap. 75. (d) Cap. 3.

the Mother of *Julius Caesar* (a); and *Xiphilin* of *Livia* (b). Nor was this Custom peculiar to the *Romans*, for *Laertius* reports of *Democritus* that deceasing after he had liv'd above a hundred Years, he was honour'd with a *Publick Funeral*. And *Justin* tells us, that the Inhabitants of *Marceilles*, then a *Gracian Colony*, upon the News of *Rome's* being taken by the *Gauls*, kept a *Publick Funeral* to testify their Condolance of the Calamity (c).

There seem to have been different sorts of *Publick Funerals* in *Rome*, according to the Magistracies, or other Honours, which the deceased Persons had born. As the *Prætorium*, the *Consulare*, the *Censorium*, and the *Triumphale*. The two last were by much the more magnificent, which though formerly distinguish'd, yet in the time of the Emperors were join'd in one with the name of *Funus censorium* only; as *Tacitus* often useth the Phrase. Nor was *Censorian Funeral* confin'd to private Persons, but the very Emperors themselves were honour'd with the like Solemnity after their Deaths; as *Tacitus* reports of *Claudius* (d), and *Capitolinus* of *Pertinax*.

The *Funus tacitum*, oppos'd to the *Indistinctive*, or *Publick Funeral*, was kept in a private manner without the Solemnization of Sports, without Pomp, without a Marshall, or a general Invitation. Thus *Seneca de Tranquil. Anim. Morti natus es: minus molestiarum habet funus tacitum*. And *Ovid. Trist. 1. Eleg. 3*.

*Quocumq; aspiceres luctus gemitusq; sonabant,
Formaq; non taciti funeris instar erat.*

This is the same that *Capitolinus* calls *Funus vulgare*, when he reports that *Marcus Antoninus* was so extremely kind and munificent, as to allow even *Vulgar Funerals* to be kept at the Charge of the *Publick*. *Propertius* calls it *plebeium funus*.

— Adfin

Plebei parva funeris exequia. Lib. 2. El. 4.

Ausonius: Funus commune.

Tu gremio in proavi funus commune locatum.

And *Suetonius*, *funus translatitium*, when he informs us that *Britannicus* was buried after this manner by *Nero* (e).

(a) Lib. 47. (b) In *Tiberio*. (c) Lib. 43. (d) *Annal. 12*. (e) *Ner. 33*.

To the *silent Funerals* may be referr'd the *Funera acerba*, or untimely Obsequies of Youths and Children; which *Juvenal* speaks of *Sat. 11*.

*Non præmaturi cineres, non funus acerbum
Luxuria, &c.*

And *Virgil. Æn. 6*.

*Infantumq; animæ flentes in limine primo:
Quos dulcu vitæ expertes & ab ubere raptos
Abstulit atra dies, & funere mersit acerbo.*

The *Funeral Ceremonies* may be divided into such as were us'd to Persons when they were dying, and such as were afterwards perform'd to the dead Corps.

When all Hopes of Life were now given o'er, and the Soul as it were just ready for its flight, the Friends, and nearest Relations of the dying Party were wont to kiss him, and embrace his Body till he expired. Thus *Suetonius* (a) relates that *Augustus* expir'd in the Kisses of *Livia*. Nor need there be any farther Proof of a Custom, which every Body is acquainted with. The Reason of it is not so well known: Most probably, they thought by this pious Act to receive into their own Bodies the Soul of their departing Friend. Thus *Albinovanus* in the Epicede of *Livia*.

*Sospite te saltem moriar, Nero; tu mea condas
Lumina, & accipias hanc animam ore pio.*

For the Ancients believ'd that the Soul when it was about leaving the Body, made use of the Mouth for its Passage; whence *animam in primo ore, or in primâ labri tenere*, is to be at Death's Door. And they might well imagine the Soul was thus to be transfus'd in the last Act of Life, who cou'd fantasie that it was communicated in an ordinary Kiss, as we find they did from these Love-Verbes, recited by *Macrobius*, the Original of which is attributed to *Plato*:

*Dum semihulco savio
Meum puellum savior*

(a) *August. 91*.

*Dulcemq; florem spiritus
Duco ex aperto tramite,
Anima tunc agra & saucia
Cucurrit ad labias mihi, &c. (a).*

Nor did they only kiss their Friends when just expiring, but afterwards too, when the Body was going to be laid on the Funerale-Pile. Thus *Tibullus*, Lib. 1. Eleg. 1.

*Flebit, & arfuro positum me, Delia, lecto,
Tristibus & lachrymis oscula mixta dabunt.*

And *Propertius*, Lib. 2. Eleg. 12.

*Osculaq; in gelidis ponet suprema labellis,
Cum dabitur Syrio munere plenus onyx.*

Another Ceremony us'd to Persons expiring was the taking off their Rings. Thus *Suetonius* reports, that when the Emperor *Tiberius* swooned away, and was reputed dead, his Rings were taken from him, tho' he afterwards recover'd, and asked for them again (b). They are much mistaken who fancy him to have done this with Design to change his Heir; for tho' 'twas an usual Custom with the Ancients to constitute their Heir or Successor by delivering him their Rings on their Death-bed, yet this signified nothing in case a Legal Will was produced to the contrary (c).

But whether they took off the Rings to save them from the Persons concern'd in washing and taking care of the dead Body, or on any other Account, 'tis very probable that they were afterwards restor'd again to the Fingers, and burnt in the Funerale-Pile; as may be gather'd from that Verse of *Propertius*, where describing the Ghost of his Mistress in the Habit in which she was burn'd, he says,

Et solitum digito beryllon adederat igni. Lib. 4. El. 7.

The Custom of closing the Eyes of a departing Friend, common both to *Romans* and *Græcians*, is known by any one that has but look'd in a Classic Author. It may only here be observ'd, that this Ceremony was perform'd for the most part by the nearest

(a) *Macrob. Saturn. lib. 2. cap. 2.* (b) *Cap. 73.* (c) See *Valer. Max. lib. 7. cap. 8.*
Relation;

Relation, as by Husbands to their Wives, and by Wives to their Husbands, by Parents to their Children, and by Children to their Parents, &c. of all which we have a multitude of Instances in the Poets. *Pliny* tells us that as they clos'd the Eyes of the dying Persons, so they open'd them too again when the Body was laid on the Funerale-Pile: And his Reason for both Customs is, *ut neque ab homine supremum spectari fas sit, & cælo non ostendi nefas* (a); because they counted it equally impious, that the Eyes shou'd be seen by Men at their last motion, or that they shou'd not be expos'd to the view of Heaven.

And for the Ceremonies us'd to Persons after they were dead, they may be divided into three Sorts, such as were perform'd before the Burial, such as concern'd the Act of the Funeral, and such as were done after that Solemnity.

Before the Burial we meet with the Customs of washing and anointing the Corps, not by any means proper to the *Romans*, but anciently us'd by almost all the civiliz'd Parts of the World, owing their first Rise to the Invention of the *Egyptians*. These Offices in *Rome* were either perform'd by the Women whom they term'd *Funeræ*; or else in Richer or nobler Families by the *Libitinarii*, a Society of Men who got their Livelihood by preparing Things in order to their Solemnization of Funerals. They had their Names from *Libitina* the Goddess who presided over Obsequies. Hence the word *Libitina* is commonly us'd for Death it self; or for every thing in general relating to the Funerals, because in the Temple of that Goddess all Necessaries proper on such Occasions were expos'd to Sale. *Phædrus* alludes to this Custom, speaking of a covetous Miser, Lib. 5. Fab. 77.

*Qui circumcidet omnem impensam Funeris,
Libitina ne quid de tuo faciat lucrum.*

But, to return to the *Libitinarii*, they seem to have been the chief Persons concern'd in ordering Funerals, undertaking the whole Care and Charge of such a Solemnity at a set Price; and therefore they kept a great Number of Servants to perform the working Part, such as the *Pollinctores*, the *Vespillones*, &c. The first of these were employ'd to anoint the dead Body, and the others we may chance to meet with hereafter. In allusion to this Custom of anointing the Corps, *Martial* plays very gently on the Master of an Entertainment, where there was much Effence to be got, but very little Meat:

(a) *Valer. Max. lib. 11. cap. 37.*

*Unguentum fateor bonum dedisti
Convivū, here, sed nihil scidisti.
Res salsa est bene olere & esurire.
Qui non cenat & ungitur, Fabulle,
Is verè mihi mortuus videtur.*

When the Body had been wash'd and anointed, they proceed-
ed to wrap it in a Garment: The ordinary People for this purpose
made use of the common Gown, and tho' in some Parts of Italy
the Inhabitants were so rude as not to wear the Gown while they
liv'd, yet Juvenal informs us that they did not want it at their
Death;

*Pars magna Italiae est, si verum admittimus, in qua
Nemo togam sumit nisi mortuus. Sat. 3.*

But those who had born any Publick Office in the State, or
acquir'd any Honour in War, were after their Death wrapt in
the particular Garment which belong'd to their Place, or to their
Triumph; as *Livy* (a) and *Polybius* (b) expressly report. It may
here be observ'd that the Ancients were so very careful and super-
stitious in reference to their Funeral Garment, that they often
wove them for themselves and their Friends during Life. Thus
Virgil brings in the Mother of *Euryalus* complaining,

*————— Nec te tua funera mater
Produxi, pressive oculos, nec vulnera lavi:
Veste tegens, tibi quam noctes festina diesq;
Urgebam, & telâ curas solabar aniles. Æn. 11.*

If the Deceas'd had by his Valour obtain'd any of the honou-
rable Coronets, it was constantly put on his Head, when the Body
was dress'd for the Funeral; that the reward of Vertue might in
some measure be enjoy'd after Death; as *Cicero* observes in his
second Book of *Laws*. Other Persons they crown'd with Chap-
lets of Flowers, and with those too adorn'd the Couch on which
the Body was laid. The Primitive *Christians* declaim'd severely
against this Custom, as little less than Idolatry; as is to be seen
particularly in *Minutius Felix* (c) and *Tertullian* (d).

(a) Lib. 34. (b) Lib. 6. (c) *Ollav.* pag. 109. Edit. Oxon. (d) De
Coronâ Mil.

The next Ceremony that follow'd was the *collocatio*, or lay-
ing out of the Body, perform'd always by the nearest Relati-
ons. Whence *Dio* censures *Tiberius* for his neglect of *Livia*,
ὅτε ποτὶ τὴν ἐμπεσέσασα, ὅτε ὑποδαίνεσθαι αὐτὴς προέβητο. He
neither visited her when she was sick, nor laid her out with his own
Hands, after she was dead.

The Place where they laid the Body was always near the
Threshold, at the entrance of the House.

*————— Recipitq; ad limina gressum
Corpus, ubi exanimi positum Pallantis Acastes
Servabat senior. Virg. Æn. 9.*

And they took particular care in placing the Body, to turn the
Feet outward, toward the Gate, which Custom *Persius* has left
us elegantly describ'd in his Third Satyr.

*————— tandemq; beatulus alto
Compositus lecto crassiq; lutatus amomis
In portam rigidos calces extendit*

The reason of this Position was to show all Persons whether any
Violence had been the Cause of the Party's Death, which might
be discover'd by the outward Signs.

We must not forget the *Conclamatio*, or general Out-cry set up
at such Intervals before the Corps, by Persons who waited there
on purpose; this was done, either because they hop'd by this
means to stop the Soul which was now taking its flight, or else to
awaken its powers which they thought might only lie silent in
the Body without Action. For the first reason we are beholden
to *Propertius*:

*At mihi non oculos quisquam inclamavit euntes,
Unum impetrassem te revocante diem.*

The other is taken from the explication of this Custom by *Ser-
vius* on the sixth of the *Æneids*; and seems much the more pro-
bable Design. For the Physicians give several Instances of Per-
sons, who being buried thro' haste, in an Apoplectick Fit, have
afterwards come to themselves, and many times miserably perish'd
for want of assistance.

If all this crying out signified nothing, the Deceas'd was said
to be *Conclamatus*, or past call, to which practice there are fre-
quent

quent Allusions in almost every Author. *Lucan* is very elegant to this purpose,

— *Sic funere primo*
Attonitæ tacuere domus, quum corpora nondum
Conclamata jacent, nec mater crine soluto,
Exiit ad sevos famularum brachia planctus. Lib. 2.

There is scarce any Ceremony remaining which was perform'd before the Burial, except the Custom of sticking up some Sign, by which the House was known to be in Mourning. This among the *Romans* was done by fixing Branches of Cypress, or of the Pitch-tree, near the Entrance, neither of which Trees being once cut down, ever revive, and have on that account been thought proper Emblems of a Funeral (a).

Thus much was done before the Funeral; in the Funeral we may take notice of the *Elatio*, or carrying forth, and the Act of Burial. What concerns the First of these will be made out in observing the *Day*, the *Time*, the *Persons*, and the *Place*. What *Day* after the Person's Death was appointed for the Funeral, is not very well agreed on. *Servius* on that Passage of *Virgil*, *Æn.* 5. Vers. 65.

Præterea, si nona dies mortalibus agris, &c.

expressly tells us, that the Body lay seven Days in the House, on the eighth Day was burn'd, and on the ninth the Relicks were buried. But there are many Instances to prove that this set Number of Days was not always observ'd. Therefore perhaps this belong'd only to the Indictive and publick Funerals, and not to the Private and Silent; especially not to the *acerba Funera*, in which Things were always huddled up with wonderful Haste. Thus *Suetonius* reports of the Funeral of *Britannicus* (b) and of the Emperor *Orho* (c): and *Cicero pro Cluentio*, *Eo ipso die puer cum horâ undecimâ in publico & valens visus esset, ante noctem mortuus, & postridie ante lucem combustus.*

As to the *Time* of carrying forth the Corps, anciently they made use only of the Night; as *Servius* observes on those words of *Virgil*,

— *De more vetusto*
Funereas rapuere faces. *Æn.* 11. v. 142.

(a) *Plin.* lib. 16. cap. 33. *Serv.* ad *Æn.* 4. (c) *Ner.* 32. (d) *Otho* 811.

The

The Reason he gives for it, is, that hereby they might avoid meeting with the Magistrates or Priests, whose Eyes they thought would be defil'd by such a Spectacle. Hence the Funeral had its Name à *funalibus* from the Torches, and the *Vespillones* or *Vesperones* were so call'd from *Vespera* the Evening.

Nothing is more evident than that this Custom was not long observ'd, at least not in the Publick Funerals, tho' it seems to have continued in the silent, and private, as *Servius* acquaints us in the same Place. Hence *Nero* took a fair Excuse for hurrying his Brother *Britannicus* his Body into the Grave immediately after he had sent him out of the World. For *Tacitus* reports that the Emperor defended the hasty Burial which had caus'd so much Talk and Suspicion, in a publick Edict, urging that it was agreeable to the old Institutions, to hide such untimely Funerals from Mens Eyes, as soon as possible, and not detain them with the tedious Formalities of Harangues and Pompous Processions. It may not be too nice a Remark, that in the more splendid Funerals the former part of the Day seems to have been design'd for the Procession. Thus *Plutarch* relates of the Burial of *Sylla*, that the Morning being very Cloudy over Head, they deserr'd carrying forth the Corps till the Ninth Hour, or Three in the Afternoon. But tho' this Custom of carrying forth the Corps by Night in a great measure ceas'd, yet the bearing of Torches and Tapers still continued in practice. Thus *Virgil* in the Funeral of *Pallas*, *Æn.* 11.

— *Lucet via longo*
Ordine flammæ, & lætè discriminat agros.

And *Persius*, Sat. 3.

Hinc tuba, candelæ, &c.

And because Tapers were likewise us'd at the Nuptial Solemnity, the Poets did not fail to take the hint for bringing them both into the same Fancy. As *Propertius*, Book 4. Eleg. last :

Viximus insignes inter utramq; facem.

And *Ovid* in the Epistle of *Cydippe* to *Acontius* :

Et face pro thalami fax mihi mortis era.

†

Among

Among the *Persons* concern'd in carrying forth the Corps, we may begin with those that went before the Funeral-Bed, such as the *Siticines*, the *Præfice*, the *Ludii* and *Histriones*, the new Freed-Men, the Bearers of the Images, &c. The Name of the *Siticines*, *A. Gellius* (a) derives from *Situs* and *Cano*, from singing to the Dead. They were of two sorts, some sounding on the Trumpet, others on the Flute or Pipe. That the Trumpets had a share in this Solemnity, we learn from *Virgil* in the Funeral of *Pallas*, *Æn.* 11.

Exoritur clamorq; virum, clangorq; tubarum.

And from *Propertius*, Book 2. Eleg. 7.

*Ab! mea tum quales, caneret tibi Cynthia somnos,
Tibia, funestâ tristior illa tubâ.*

And *Plutarch* tells a notable Story of a Mag-pye, that upon hearing the Trumpets at the Funeral of a Rich Man, for some time after quite lost her Voice, and cou'd raise no manner of Note, when on a sudden, as if she had been all this while deeply meditating on the Matter, she struck up exactly the same Tunes that the Trumpets had play'd, and hit all the Turns and Changes to Admiration (b).

For 'tis likely that the Trumpets were us'd only in the Publick Funerals to give the People Notice to appear at the Solemnity, as *Lipsius* instructs us (c).

The *Tibicines* some restrain to the Funerals of Children, and younger Persons, as *Servius* observes on the first of the *Æneids*, and *Statius*, *Theb.* 6. in the Funeral of *Achemorus*.

*Tum signum luctûs cornu grave mugit adunco
Tibia, cui teneros suetum producere manes.*

The Learned *Dacier* has lately declar'd himself of the same Opinion (d). But 'tis certain that this cannot always have held good. For *Suetonius* mentions the *Tibiæ* in the Funeral of *Julius Cæsar* (e), and *Seneca* in that of *Claudius*, in his *Apocolocyntosis*. And *Ovid* says of himself in plain words,

*Interea nostri quid agant nisi triste libelli?
Tibia funeribus convenit ista meis.* Trist. 1. El. 1.

(a) Lib. 20. cap. 2. (b) *Plut.* de Animal. Solert. (c) De militiâ, lib. 4. cap. 10.
(d) On *Horace*, Book 1. Sat. 6. v. 44. (e) Cap. 83.

There-

Therefore it seems more probable that the Flutes or Pipes were us'd in all sorts of Funerals, as the most accurate *Kirchman* has given his Judgment.

It appears from the Figures of Trumpets and Flutes on the old Monuments, that the Instruments of those Kinds us'd at Funeral Solemnities were longer than the ordinary ones; and so fitted to give a sharper and more mournful Sound. Hence *Ovid* calls the Funeral Trumpet *longa tuba*.

Bro longâ resonet carmina vestra tubâ. Amor. 2. El. 6.

After the Musicians, went the *Præfice*, or the Mourning Women, hir'd on purpose to sing the *nenia* or *lessus*, the Funeral Song, fill'd with the Praises of the Deceas'd; but for the most part trifling and mean. Hence the Grammarian in *Gellius* took his Flout against the Philosophers, *Vos Philosophi mera estis* (ut *M. Cato ait*) *mortuaria Glossaria. Nam qui collegistis & lectitastis restetras & inanes & frivolas, tanquam mulierum voces præficarum* (a): You Philosophers (as *Cato* says) are mere dealers in trash, for you go and read and collect a Parcel of dry worthless Stuff, just such for all the World, as the old Women whine out who are hir'd to sing the Mourning Song at a Funeral.

That the *Ludii* and *Histriones*, the Mimicks and Players went before the Funeral Bed, and danc'd after the Satyrick manner, we have the Authority of *Dionysius* in his Ninth Book. And *Suetonius* tells a Story of the Arch-Mimick who acted at the Funeral of *Vespasian* (b).

The Custom for the Slaves to go with their Caps on before the Corps, and to be thereupon made Free, is confirm'd by a Law of *Justinian*, and we meet with many Examples of it in History.

As to the Beds or Couches born before in the Funeral Solemnity, the Design of these was to carry the Waxed Images of the deceas'd Person's Ancestors, which were therefore us'd only in the Funerals of those who had the *jus imaginum*, the right of keeping the Effigies of the Men of their Family, which at home were set up in Wooden Presses, and taken thence to be publicly shown after this Manner, on the Death of any of their near Relations (c). Before the Corps of Princes, or some extraor-

(a) *A. Gell.* lib. 18. cap. 7. (b) Cap. 19. (c) *Plin.* N. H. lib. 35. cap. 2.

dinary

dinary Persons, not only the Effigies of their Ancestors, but the Statues too of other great Men were born in State. Thus *Augustus* order'd Six hundred Beds of Images to be carried before at the Funeral of *Marcellus*; and *Sylla* the Dictator had no less than Six thousand (a).

Besides all this, such as had been eminent for their Achievements in War, and gain'd any considerable Conquest, had the Images and Representations of the Enemies they had subdu'd, or the Cities they had taken, or the Spoils won in Battel; as *Dionysius* (b) reports in the Funeral of *Coriolanus*, and *Dio* (c) in that of *Augustus*. This Custom *Virgil* alludes to in the Funeral of *Pallas*:

*Multaq; præterea Laurentiæ præmia pugnae
Aggerat, & longo prædam jubet ordine duci.*

And a little after;

*Indutosq; jubet truncos hostilibus armis
Ipsos ferre duces, inimicæq; nomina figi.*

The *Lictors* too made a part of the Procession, going before the Corps to carry the *Fasces*, and other Ensigns of Honour, which the Deceas'd had a Right to in his Life-time. 'Tis very remarkable that the Rods were not now carried in the ordinary posture, but turn'd quite the contrary way, as *Tacitus* reports in the Funeral of *Germanicus* (d). Hence *Albinovanus* in the Funeral of *Drusus*:

*Quos primum vidi fasces, in funere vidi,
Et vidi versos, indiciumq; mali.*

We may now go on to the Persons who bore the Bier, or the Funeral-Bed; and these were for the most part the nearest Relations, or the Heirs of the Deceas'd. Hence *Horace*, Book 2. Sat. 5.

————— Cadaver

Unctum oleo largo nudis humeris tulit hæres.

(a) *Servius* in *Æn.* 11. (b) *Lib.* 8. (c) *Lib.* 56. (d) *Annal.* 3.

And

And *Juvenal* Sat. 10.

*Incolumi Trojæ Priamus venisset ad umbras
Assaraci magnis solemnibus, Hectoræ funus
Portante, & reliquæ fratrum cervicibus——*

Thus they report of *Metellus* who conquer'd *Macedon*, that he was carried to the Funeral-Pile by his four Sons; one of which was then *Prætor*, the other three had been all *Consuls*, two had triumph'd, and one perform'd the Office of *Censor* (a).

Sometimes Persons who had deserv'd highly of the Commonwealth were born at their Funerals, by the Magistrates, or the Senators, or the chief of the Nobility. Thus *Plutarch* relates of *Numa*, *Suetonius* of *Julius Cæsar* (b), and *Tacitus* of *Augustus* (c). And the very Strangers and Foreigners that happen'd to be at *Rome* at the Death of any worthy Person, were very desirous of signifying their Respect to his Memory, by the Service of carrying the Funeral-Bed, when he was to be buried: As *Plutarch* tells us in the Funeral of *Paulus Æmilius*, that as many *Spaniards*, *Ligurians* and *Macedonians* as happen'd to be present at the Solemnity, that were young and of vigorous Bodies, took up the Bed and bore it to the Pile.

Persons of meaner Fortunes, and sometimes great Men too, if they were hated by the People, were carried to their Burial by the *Vespillones* or *Sandapilones*, who lived by this Employment. Thus *Suetonius* (d) and *Eutropius* (e) relate of the Emperour *Domitian*. Therefore in this last way of bearing out, we may suppose them to have us'd the *Sandapila* or common Bier, as in the former the *Leſtica* or *Leſti*, the Litters or Beds. This Bier is what *Horace* and *Lucan* call *vili Arca*.

————— *Augustis ejecta cadavera collis
Confervus vili portanda locabat in arcæ.* *Hor.* L. 1. S. 8.

*Da vilem Magno plebei funeri arcam
Quæ lacerum corpus siccus effundat in ignes.* *Luc.* lib. 8.

'Tis worth observing, that sometimes the Bier or Bed was cover'd, and sometimes not. It was expos'd open if the Party

(a) *Plin.* lib. 7. cap. 44. *Val. Max.* l. 7. (b) *Cap.* 84. (c) *Annal.* 1. (d) *Cap.* 17. (e) *Lib.* 7.

had

had died a natural Death, and was not very much deform'd by the Change; and therefore now and then they us'd to paint the Face, especially of Women, to make them appear with more Advantage to the Sight. *Dio* tells us in the Life of *Nero*, that he daub'd the Body of *Britannicus* over with a sort of White Wash to hinder the Blueness of the Flesh, and such other Marks of the Poyson from being discover'd; but a great Rain falling at the time of the Procession, wash'd off the Paint, and expos'd the Fatal Tokens to the View of the whole People.

But in Case the Visage was very much distorted, or upon some other Account not fit to be shown, they threw a Covering over the Bed. Thus *Paterculus* reports that *Scipio Africanus* was carried forth to Burial *velato capite* (a). Sometimes too when the Face or Head had been miserably bruised, as if the fall of an House or some such Accident had occasion'd the Party's Death, they us'd to enclose the Head and Face, in a Masque, to hinder them from appearing, and the Funerals in which this was practis'd they term'd *larvata funera*.

But the greatest part of the Persons were those that follow'd the Corpse. These in private Funerals were seldom many besides the Friends and Relations of the Deceas'd, and 'twas very usual in a Will to bestow Legacies upon such and such Persons, upon Condition they shou'd appear at the Funeral, and accompany the Corpse. But at the *indictive* or publick Funerals the whole City flock'd together upon the General Invitation and Summons. The Magistrates and Senators were not wanting at the Procession, nor even the Priests themselves, as we find in the Funeral of *Numa* describ'd by *Plutarch*.

To give an Account of the Habit and Gesture of the Mourners, or of the Relations and others that follow'd the Corpse, is in a great measure unnecessary; for the weeping, the bitter Complaints against the Gods, the letting loose the Hair, or sometimes cutting it off, the changing the Habit, and the laying aside the usual Ornaments, are all too well known to need any Explication. Yet there are many things singular in these Subjects which deserve our farther Notice. Thus they did not only tear or cut off their Hair, but had a Custom to lay it on the Breast, or sometimes on the Tomb of the Deceas'd Friend. Hence *Ovid*, of the Sisters of *Narcissus*:

-----*Planxere sorores*

Naiades, & sectos fratri imposuere capillos.

(a) Lib. 2.

And

And *Statius*, *Theb.* 7.

-----*Tergoque & pectore fusam*

Casariem ferro minuit, sectisq; jacentis

Obnubit tenuia ora comis-----

'Tis no less observable that at the Funerals of their Parents, the Sons went cover'd on their Heads, and the Daughters uncover'd: Perhaps only to recede as far as possible from their ordinary Habit. Yet 'tis likely that in ordering the Sons to cover their Heads at such Solemnities they had regard to the common Practice of always wearing something on their Heads when they worship'd the Gods, and especially when they were present at a Sacrifice. The Original and Grounds of this Superstition are most admirably given by *Virgil* in the Prophet *Helenus* his Instructions to *Aeneas*:

Quin ubi transmissa steterint trans aquora classes,

Et positum aris, jam vota in littore solves,

Purpureo velare comas adoptus amictu:

Nequa inter sanctos ignes in honore deorum

Hostilis facies occurrat, & omnia turbet.

Hunc socii morem sacrorum, hunc ipse teneto:

Hac casti maneant in relligione nepotes. *Aen.* 3.

As to the mourning Habits it has been already observ'd (a) that the *Senators* sometimes on these Occasions went attir'd like Knights, the Magistrates like *Senators*, &c. and that the common Wear for Mourning was Black. But we may farther remarke that tho' this was the ordinary Colour to express their Grief, us'd alike by both Sexes; yet after the establishment of the Empire, when abundance of Party-Colours came in Fashion, the old Primitive White grew so much into contempt, that at last it became proper to the Women for their Mourning Cloaths. Thus *Statius* in the Tears of *Hetruscus*.

Huc vittata comam niveoq; insignis amictu

Mitibus exsequiis ades.

And tho' it may with some Reason be thought that the Poet here directing his Speech to the Goddess *Pietas*, gives her that

(a) Book 5. cap. 7.

Habit

Habit rather as a mark of Purity and Innocence, than as the proper Badge of Grief in her Sex; yet the matter of Fact is still evident from the Authority of *Plutarch*, who States this Subject for one of his Problems, and gives several Reasons for the Practice.

After the *PERSONS* follows the *PLACE* whither the Procession was directed, by which we must be guided in our next enquiry. In all the Funerals of Note, especially in the Publick or *indictive*, the Corpse was first brought with a vast Train of followers into the *Forum*. Thus *Horace* Book 1. Sat. 6.

----- *At hic si plostra ducenta,
Concurrentq; foro tria funera, magna sonabit
Cornua quod vincatq; tubæ.*

Here one of the nearest Relations ascended the *Rostra* and oblig'd the Audience with an Oration in Praise of the Deceas'd. If none of the Kindred undertook the Office, it was discharg'd by some of the most eminent Persons in the City for Learning and Eloquence, as *Appian* reports of the Funeral of *Sylla* (a). And *Pliny* the Younger reckons it as the last Addition to the Happiness of a very great Man, that he had the Honour to be praised at his Funeral by the most Eloquent *Tacitus*, then Consul (b); which is agreeable to *Quintilian's* Account of this Matter, *Nam & funebres, &c.* For Funeral Orations (says he) depend very often on some publick Office, and by order of Senate are many times given in charge to the Magistrates to be perform'd by themselves in Person (c).

The invention of this Custom is generally attributed to *Valerius Poplicola* soon after the expulsion of the Regal Family. *Plutarch* tells us, that, honouring his Colleagues Obsequies with a Funeral Oration, it so pleas'd the Romans, that it became customary for the best Men, to celebrate the Funerals of great Persons with Speeches in their Commendation.

Nor was this Honour proper to one Sex alone, for *Livy* reports that the Matrons upon account of making a Collection of Gold for the deliverance of Rome from the Gauls, were allow'd as a signal Favour, to have Funeral Panegyricks in the same manner as the Men. *Plutarch's* Relation of this Matter differs from *Livy* only in the Reasons of the Custom: He acquaints us that when it was agreed after the taking of *Vesii*, that a Bowl of Massy Gold

(a) *Epist.* lib. 1. (b) *Lib.* 2. *Epist.* 1. (c) *Institut.* lib. 3. cap. 9.
shon'd

shou'd be made and sent to *Delphi*, there was so great a scarcity of Gold, and the Magistrates so puzzled in considering how to get it, that the Roman Ladies meeting together and consulting among themselves, out of the Golden Ornaments that they wore, contributed as much as went to the making the Offering, which in Weight came to eight Talents of Gold. The Senate to give them the Honour they had deserv'd, ordain'd that Funeral Orations shou'd be us'd at the Obsequies of Women as well as of Men, which had never been a Custom before. But it seems probable that this Honour was at first only paid to aged Matrons; since we learn from the same excellent Author that there was no President of any Funeral Oration on a younger Woman, 'till *Julius Caesar* first made one upon the Death of his own Wife.

Cicero (a) and *Livy* (b) complain very much of this Custom of Funeral-Speeches, as if they had conduc'd in a great measure to the corruption and falsifying of History. For it being ordinary on these occasions to be directed more by the Precepts of Oratory, than by the true Matter of Fact, it usually happen'd, that the deceas'd Party was extoll'd on the Account of several noble Atcheivements to which he had no just Pretensions: And especially when they came to enquire into their Stock and Original, as was customary at these Solemnities, they seldom fail'd to clap in Three or Four of the most renowned Persons of the Common-Wealth to illustrate the Family of the Deceas'd; and so by Degrees well nigh ruin'd all proper Distinctions of Houses and Blood.

The next place to which the Corpse was carried, was the place of Burning and Burial. It has been a Custom among most Nations to appoint this without the City, particularly among the Jews and Greeks, from whom it may be suppos'd to have been deriv'd down to the Romans. That the Jews Buried without the City is evident from several places of the New Testament. Thus the Sepulchre in which *Joseph* laid our Saviour's Body was in the same Place in which he was crucified (c), which was near to the City (d). And we read in *St. Matthew* that at our Lord's Passion the Graves were open'd, and many Bodies of the Saints which slept arose, and came out of the Graves after his Resurrection, and went into the Holy City, and appear'd unto many (e).

As to the Græcians, *Servius* in an Epistle to *Tully* (f), giving an Account of the unhappy Death of his Colleague *Marcellus*, which

(a) In *Bruto*. (b) *Lib.* 8. (c) *John* 19. 41. (d) *John* 19. 20. (e) *Matthew* 27. 52. and 53. (f) *Famil.* lib. 4. *Epist.* 12.

fell out in Greece, tells him, that he cou'd not by any means obtain Leave of the Athenians to allow him a Burying-Place within the City, they urging a religious Restraint in that Point, and the want of Precedents for such a Practice.

The Romans follow'd the same Custom, from the very first building of the City, which was afterwards settled in a Law by the Decemviri, and often reviv'd and confirm'd by several later Constitutions. The Reason of this Ancient Practice may be resolv'd into a sacred and a civil Consideration. As to the former the Romans and most other People had a Notion that whatever had been consecrated to the supernal Gods was presently defiled upon the touch of a Corpse, or even by bringing such a Spectacle near it. Thus Agellius tells us that the Flamen Dialis might not on any Account enter into a Place where there was a Grave; or so much as touch a dead Body (a). And if the Pontifex Maximus happen'd to praise any one Publickly at a Funeral, he had a Veil always laid over the Corpse to keep it from his Sight; as Dio reports of Augustus (b), and Seneca of Tiberius (c). 'Tis likely that this might be borrow'd from the Jewish Law, by which the High-Priest was forbid to use the ordinary Signs of Mourning, or to go in to any dead Body (d).

The civil Consideration seems to have been that neither the Air might be corrupted by the stench of putrefied Bodies, nor the Buildings endanger'd by the frequency of Funeral Fires.

The Places then appointed for Burial without the City were either Private or Publick; the Private Places were the Fields or Gardens belonging to particular Families. Hence Martial took the Jest in one of his Epigrams on a Gentleman that had buried abundance of Wives:

*Septima jam, Phileros, tibi conditur uxor in agro.
Plus nulli, Phileros, quam tibi reddit ager.*

If it was possible they always buried in that part of the Field or Garden which lay nearest to the Common Road, both to put passengers in mind of mortality, and to save the best part of their Land. Thus Juvenal Sat. 1.

----- *Experiar quid concedatur in illos
Quorum Flaminia regitur cinis atq; Latinâ.*

And we have scarce any Relation of a Burying in Authors, but they tell us the Urn was laid near such a Way. Propertius is very

(a) Lib. 10. cap. 15. (b) Lib. 54. (c) Consolat. ad Mar. cap. 15. (d) Leviticus 21. 10, 11.

earnest

earnest in desiring that he may not be buried after this ordinary Custom, near a celebrated Road, for fear it shou'd disturb his Shade,

*Dii faciant mea ne terrâ locet ossa frequenti
Quâ facit assiduo tramite vulgus iter.
Post mortem tumuli sic infamantur amantum;
Me tegat arborea devia terrâ comâ.
Aut humet ignota cumulus vallatus arene;
Non juvat in mediâ nomen habere viâ, Lib. 3. Eleg. 15.*

The Publick Burying Places were of Two Sorts, those which were allotted to the Poor, and those which were put to this Use only at the Funerals of great Persons. The former were the Puticula or Puticuli without the Esquilian Gate; they contain'd a great quantity of Ground, and were put to no other Use, than the burying the Bones and Ashes of Persons of the lowest Rank, who had no private Place of their own to lay the Corpse in. But because the vast Number of Bones deposited here, infecting the Air, rendred the neighbouring Parts of the City unhealthy, Augustus gave away a great many Acres of this Common Field to his Favourite Mæcenas, who turn'd it into fine Gardens. This Horace tells us at Large, Book 1. Sat. 8.

*Huc prius angustis ejecta cadavera cellis
Conseruus vili portanda locabat in arca,
Hic misera plebi stabat commune sepulchrum, &c.*

The publick Place assign'd for the Burial of great Persons was commonly the Campus Martius; this Honour cou'd not be procur'd but by a publick Decree of Senate, and was never conferred but on Men of the highest Stations and Merits. Thus Plutarch relates of Lucullus, and Pompey; Appian of Sylla (a), Suetonius of Drusus (b), and Virgil of Marcellus.

*Quantus ille virum magnam Mavortis ad urbem
Campus aget gemitus? vel quæ, Tiberine, videbû
Fûnera, cum tumulum præterlabere recentem! Æn. 6.*

Cicero in his Ninth Philippic reports that Servius Sulpicius upon account of his many signal Services to the Common-Wealth,

(a) *Æmep. lib. 1. (b) Claud. cap 1.*

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was

was honour'd with a publick Sepulchre in the *Campus Esquilinus*, or in any other Place where he pleas'd, Thirty Foot in Dimension every way, and to remain to his Heirs and Posterity. But there are not many Instances of the like Practice.

It has been said that the ordinary Custom was to bury without the City, but we must except some Sepulchres, as those of the *Vestal* Virgins, whom *Servius* tells us the Laws allow'd a Burying-Place within the City (a). The same Honour was allow'd to some extraordinary Persons, as to *Valerius Poplicola* (b), and to *Fabritius* (c), being to continue to their Heirs. Yet none of the Family were afterwards there interr'd, but the Body being carried thither, one plac'd a burning Torch under it, and then immediatly took it away; as an attestation of the Deceas'd's Privilege, and his receding from his Honour: And then the Body was remov'd to another Place.

Having done with the *carrying forth*, we come to the *Act of Burial*. The Corpse being brought in the manner already describ'd, without the City, if they design'd to burn it, was carried directly to the place appointed for that purpose, (which if it was join'd with the Sepulchre, was call'd *Bustum*, if separate from it, *Ustrina*) and there laid on the *regus* or *Pyra*, a Pile of Wood prepar'd to burn it on. This Pile was built in the shape of an Altar, differing in Height according to the Quality of the Deceas'd. Thus *Virgil* in the Funeral of *Misenus*, *Æn.* 6.

-----*Aramq; sepulchri*

Congerere arboribus, cœloq; educere certant.

And *Ovid* against *Ibi* :

Et dare plebeio Corpus inane rogo.

The Trees which they made use of, were commonly such as had most Pitch or Rosin in them, and if they took any other Wood they split it, for the more easie catching Fire :

*Procumbunt piceæ, sonat ista securibus illex
Fraxineq; trabes; cuneis & fissile robur
Scinditur.-----Virg. Æn. 6.*

(a) Ad *Æn.* 9. (b) *Plutarch* in his Life. (c) *Cicero*.

Round

Round about the Pile they us'd to set a parcel of Cypress-Trees; perhaps to hinder the noisom Smell of the Corpse. This Observation is owing to *Virgil* in the same Place :

*Ingentem struxere pyram, cui frondibus atris
Intexunt latera, & ferales ante cupressus
Constituunt.*

That the Body was plac'd on the Pile not by it self but together with the Couch or Bed on which it lay, we have the Authority of *Tibullus*, Book 1. *El.* 1.

Flebis, & arfuro positum me, Delia, lecto.

This being done, the next of Blood perform'd the Ceremony of lighting the Pile, which they did with a Torch, turning their Face, all the while, the other way, as if it was done out of Necessity, and not willingly. Thus *Virgil* *Æn.* 6.

-----*Subiectam, more parentum,*

Aversi tenere facem.

As soon as the Wood took Fire, they wish'd and pray'd for a Wind to assist the Flames, and hasten the consuming of the Body which they look'd on as a fortunate Accident. Thus *Cynthia* in *Propertius* :

Cur ventos non ipse rogis, ingrâte, petisti ?

And *Plutarch* in the Life of *Sylla* reports, ' That the Day being ' Cloudy over Head, they deserr'd carrying forth the Corpse 'till ' about three in the Afternoon, expecting it wou'd rain : But a ' strong Wind blowing full against the Funeral-Pile, and setting ' it all on a Flame, his Body was consum'd in a Moment. As ' the Pile shrunk down, and the Fire was upon going out, the ' Clouds shower'd down, and continued raining till Night. So ' that his good Fortune was firm even to the last, and did as it ' were officiate at his Funeral.

At the Funerals of the Emperours or Renowned Generals, as soon as the Wood was lighted, the Soldiers and all the Company made a solemn Course (*Decursio*) three times round the Pile, to show their Affection to the Deceas'd; of which we have num-

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merous

merous Examples in History. *Virgil* has not forgot to express this Custom:

*Ter circum accensos cincti fulgentibus armis
Decurrere rogos ter maestum funeris ignem
Lustrare in equis, ulularisq; ore dedere.* *Æn.* 11.

The Body never burnt without Company, for because they fancied that the Ghosts delighted in Blood, 'twas customary to kill a great Number of Beasts, and throw them on the Pile:

*Multa domum circa mactantur corpora morti
Setigeraq; sues raptaq; ex omnibus agris
In flammam jugulant pecudes---* *Virg.* *Æn.* 11.

In the more ignorant and barbarous Ages they us'd to murder Men, and cast them into the Funeral-Flames of Princes and Commanders. The Poets never burn a Heroe, without this inhumane Ceremony. *Homer* gives *Patroclus*

Δόδεκα μὲν Τρώων μελαδρῶν υἱέας ἑδλός.

And *Virgil* lib. 10.

*Quatuor hic juvenes, totidem quos educat Æfens,
Viventes rapit. infernis quos immolet umbris,
Captivosq; rogi perfundat sanguine flammæ.*

But besides these there were abundance of Presents thrown into the Fatal Flames of several sorts: These consisted for the most Part of costly Garments and Perfumes thrown on the Body as it burn'd. Thus *Virgil* *Æn.* 6.

*Purpureasq; super vestes velamina nota,
Conjiciunt.*

And *Plutarch* makes the extravagant Expences of *Cato Junior* at the Funeral of his Brother *Cæpio*, to have been taken up in a vast quantity of costly Garments and Perfumes.

All the Precious Gums, Essences, and Balsams that the Ancients were acquainted with, we find employ'd in their Funerals: Hence *Juvenal* describes a Fop that us'd abundance of Essence.

Et

*Et matutino sudans Crispinus amomo,
Quantum vix redolent duo funera.*-----*Sat.* 4.

The Soldiers and Generals had usually their Arms burnt with them on the Pile. Thus *Virgil* in the Funeral of *Misenus*.

-----*Decorantq; super fulgentibus armis.* *Æn.* 6.

And in another Place he adds the Spoils taken from the Enemy:

*Hinc alii spolia occisis direpta Latinis
Conjiciunt igni, galeas ensesq; decoros,
Frænaq; ferventesq; rotas: Pars munera nota
Ipforum clypeos, & non felicia tela,*

When the Pile was burn'd down they put out the remains of the Fire, by sprinkling Wine, that they might the more easily gather up the Bones and Ashes.

*Postquam collapsi cineres, ac Flamma quievit,
Reliquias vino & bibulam lavere favillam,* *Virg.* *Æn.* 6.

This gathering up the Bones and Ashes, and putting them into an Urn, was the next Office paid to the Deceas'd, which they term'd *offilegium*. The whole Custom is most fully and elegantly describ'd by *Tibullus* in his Third Book Eleg. 2.

Ergo ubi cùm tenuem, &c.

How the Ashes and Bones of the Man came to be distinguish'd from those of the Beasts, and Wood, and other Materials, is not easie to be conceiv'd, unless we suppose the difference to have arose from the artificial placing of the Corpse on the Pile, so that every thing else shou'd fall away on each side, and leave the Humane Reliques in a Heap by themselves.

Nothing now remain'd but to put the Urn into the Sepulchre, and so sprinkle the Company with Holy-Water, and so dismiss them. *Virg.* *Æn.* 6.

*Offaq; læta cavotexit Chorinæus abeno,
Idem ter socios pura circumtulit undâ,*

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Spargens

*Spargens rore levis & ramo felicis olivæ,
Lustravitq; viros, dixitq; novissima verba.*

These *novissima verba* were either directed to the Deceas'd, or to the Company. The form of Speech with which they took leave of the Deceas'd was, *Vale, vale, vale, nos te ordine, quo natura permisit cuncti sequemur.* The word with which the *Præfica* dismiss'd the People was *ILICET*, as much as *ire licet*. As they went away they had a Custom of wishing for *Light Earth*, to lay on the Relicks, which they reckon'd a great Happiness, Hence 'tis an usual Inscription on Ancient Funeral Monuments *S. T. T. L.* or *Sit tibi terra levis*.

To enquire into the Original of Sepulchres, their several Kinds and Forms, the variety of Ornaments, the difference of Inscriptions, and the many ways of violating the Tombs of the Dead, wou'd be too nice a Disquisition for the present Design. Yet we must not pass by the *Cenotaphia*, or Monuments erected on a very singular Account, either to Persons buried in another Place, or to those who had receiv'd no Burial, and whose Reliques cou'd not be found.

Thus *Suetonius* tells us that the Soldiers in Germany, rais'd an *Honorary Tomb* to the Memory of *Drusus*, tho' his Body had been carried to *Rome*, and deposited in the *Campus Martius* (a). And we often find the Generals raising Tombs to the Honour of those Soldiers whose Bodies cou'd not be found after a fight. These *tumuli inanes* or *honorarii*, when erected to the Memory of particular Persons, were usually kept as sacred as the true Monuments, and had the same Ceremonies perform'd at them. Thus *Virgil* describes *Andromache* keeping the Anniversary of *Hector's* Death. *Æn.* 3.

*Solemnes tum forte dapes, & tristia dona
Libabat cineri Andromache, manesq; vocabat
Hectoreum ad tumulum, viridi quem cespitæ inanem,
Et geminas causam lachrymæ sacraverat aras.*

And *Aeneas* tells *Deiphobus* that he has paid him such an Honour.

*Tunc egomet tumulum Rhæteo in littore inanem
Constitui. & magnâ Manes ter voce vocavi:
Nomen & arma locum servant.-----
Æneid, 6.*

(a) *Sueton. Claud. cap. I.*

AFTER THE FUNERAL we are to take notice of the several Rites perform'd in Honour of the Dead, at the Festivals instituted with that design. The chief time of paying these Offices was the *Feralia*, or Feast of the Ghosts in the Month of February, but 'twas ordinary for particular Families to have proper Seasons of discharging this Duty, as the *Novennialia*, the *Denicalia* and the like. The Ceremonies themselves may be reduc'd to these Three Heads, Sacrifices, Feasts, and Games; to which if we subjoin the Customs of Mourning, and of the Consecration, we shall take in all that remains on this Subject.

The Sacrifices (which they call'd *Inferiæ*) consisted of Liquors, Victims and Garlands. The Liquors were Water, Wine, Milk, Blood, and liquid Balsam.

*Hic duo rite mero libans carcheckboxia Baccho
Fundit humi, duo lacte novo, duo sanguine sacro.* *Virg. Æn.* 5.

The Blood was taken from the Victims offer'd to the *Manes*, which were usually of the smaller Cattel, tho' in ancient Times 'twas Customary to use Captives or Slaves in this Inhumane Manner.

The Balsams and Garlands occur every where in the Poets. *Propert.* Lib. 3. *Eleg.* 15.

*Afferet huc unguenta mihi, fertsique sepulchrum
Ornabit, custos ad mea busta sedens.*

Tibullus, Lib. 3. *Eleg.* 4.

*Atq; aliquis senior, veteres veneratus amores,
Annua constructo ferta dabit tumulo.*

Besides these Chaplets, they strow'd loose Flowers about the Monument. Thus *Virgil*, *Æn.* 5.

Purpureos jecit flores, ac talia fatur.

And again *Æn.* 6.

*Tu Marcellus eris. Manibus dace lilia plenâ:
Purpureos spargam flores; animamq; nepotâ
His saltem accumulem donâ, & fungar inani
Munere.*

The Feasts celebrated to the Honour of the Deceas'd, were either private, or publick. The Private Feasts were term'd *Silicernia*, from *Silix* and *Cena*, as if we shou'd say *Suppers made on a Stone*. These were prepar'd both for the Dead and the Living. The Repast design'd for the Dead, consisting commonly of Beans, Lettices, Bread and Eggs, or the like, was laid on the Tomb for the Ghosts to come out and eat, as they fancied they wou'd, and what was left they burnt on the Stone. Travellers tell us that the *Indians* at present have a superstitious Custom much of this Nature, putting a piece of Meat always in the Grave with the dead Body, when they bury in the Plantations.

'Twas from this Custom that to express the most miserable Poverty of Creatures almost starv'd, they us'd to say *such an one got his Viſuals from the Tombs*. Thus *Catullus*;

*Uxor Menenī sapē quam in sepulchreis
Vidistis ipso rapere de rogo cenam,
Quum devolutum ex igne prosequens panem
A semiraso tunderetur uſore.*

And *Tibullus* his Curſe is much to the same purpose.

*Ipsa fame ſtimulante furens eſcaſq; ſepulchro
Querat, & à ſcavis oſſa reliſta lupis.*

The Private Feasts for the Living were kept at the Tomb of the Deceas'd, by the nearest Friends and Relations only.

The Publick Feasts were when the Heirs or Friends of some rich or great Person oblig'd the People with a general Treat to his Honour and Memory; as *Cicero* reports of the Funeral of *Scipio Africanus* (a), and *Dio* of that of *Sylla* (b). And *Suetonius* (c) relates that *Julius Caesar* gave the People a Feast in Memory of his Daughter. There was a Custom on these Occasions to distribute a Parcel of raw Meat among the poor People, which they term'd *viſceratio*; tho' this was sometimes given without the Publick Feasts.

The Funeral Games have already been dispatch'd among the other Shows.

As to the Custom of Mourning, besides what has been before observ'd by the bye, we may farther take notice of the time ap-

(a) In Orat. pro *Muræna*. (b) Lib. 37. (c) Cap. 22.

pointed for that Ceremony, and some of the most remarkable Ways of expressing it. *Numa* (as *Plutarch* tells us in his Life) prescrib'd Rules for regulating the Days of Mourning, according to certain Times and Ages. As for Example, a Child of Three Years, and so upwards to Ten, was to be mourn'd for so many Months as it was Years Old. And the longest time of Mourning for any Person whatsoever, was not to exceed the Term of Ten Months: Which also was the time appointed unto Widows to lament the loss of their deceas'd Husbands, before which they cou'd not without great Indecency pass unto second Marriages: But in case their Incontinence was such as cou'd not admit so long an Abſtinance from the Nuptial-Bed, they were to sacrifice a Cow with a Calf for expiation of their Fault.

Now *Romulus* his Year consisting but of Ten Months, when *Numa* afterwards added two Months more, he did not alter the Time he had before settled for Mourning, and therefore tho' after that Time we meet with *luctus annuus*, or a Year's Mourning often taken upon the Death of some Eminent Person, we must take it only for the old Year of *Romulus*, or the space of Ten Months.

There were several Accidents which often occasion'd the concluding of a Publick or Private Mourning before the fix'd Time; such as the Dedication of the Temple, the Solemnity of Publick Games, or Festivals, the solemn *Lustration* performed by the *Censor*, and the discharging any Vow made by a Magistrate or General; which being Times of publick Rejoycing, wou'd have otherwise imply'd a Contradiction.

As to the Tokens of Private Grief, they had none but what are common to most Nations, as the keeping their House for such a time, the avoiding all manner of Recreations and Entertainments, and the like. But in Publick Mourning 'twas a singular Custom to express their Concern by making the Term and all Business immediately to end, and settling a Vacation, till such a Period; of which we have frequent Instances.

The last Ceremony design'd to be spoken of was Consecration. This belong'd properly to the Emperors, yet we meet too with a private Consecration which we may observe in our way. This was when the Friends and Relations of the Deceas'd canoniz'd him, and paid him Worship in private, a piece of Respect commonly paid to Parents by their Children, as *Plutarch* observes in his *Roman Questions*. Yet the Parents too sometimes conferr'd the same Honour on their deceas'd Child, as *Cicero* promiseth to

to do for his Daughter *Tullia*, in the end of his Consolation; and tho' that Piece be suspected as we now have it, yet the present Authority loses nothing of its Force, being cited heretofore by *Lactantius*, according to the Copies extant in his time.

The Publick Consecration had its Original from the Deification of *Romulus*, but was afterwards discontinued till the time of the Emperors, on most of whom this Honour was conferr'd. The whole Ceremony is most accurately describ'd by *Herodian* in his Fourth Book, the Translation of which Place may conclude this Subject.

The *Romans* (says he) have a Custom to consecrate those Emperors who leave either Sons, or design'd Successors at their Death; and those who receiv'd this Honour are said to be enroll'd among the Gods. On this Occasion the whole City maintain a Publick Grief, mix'd as it were with the Solemnity of a Festival. The true Body is buried in a very Sumptuous Funeral, according to the ordinary Method. But they contrive to have an Image of the Emperor in Wax, done to the Life; and this they expose to publick view, just at the entrance of the Palace Gate, on a stately Bed of Ivory cover'd with rich Garments of Embroider'd Work, and Cloath of Gold. So the Image lies there all pale, as if under a dangerous Indisposition. Round the Bed there sit, the greatest part of the Day, on the Left-side, the whole Senate in Black; on the Right, the Aged Matrons, who either upon account of their Parents or Husbands are reputed Noble; they wear no Jewels or Gold, or other usual Ornaments, but are attir'd in close white Vests, to express their Sorrow and Concern. This Ceremony continues Seven Days together; the Physicians being admitted every Day to the Bed, and declaring the Patient to grow all along worse and worse. At last when they suppose him to be dead, a select Company of Young Gentlemen of the Senatorian Order take up the Bed on their Shoulders, and carry it thro' the *Holy Way* into the old *Forum*, the place where the *Roman* Magistrates us'd to lay down their Offices. On both sides there are rais'd Galleries with Seats one above another, one side being fill'd with a Choire of Boys all Nobly Descended, and of the most eminent *Patrician* Families; the other with a like Set of Ladies of Quality; who both together sing Hymns and Pæans compos'd in very mournful and passionate Airs, to the Praise of the Deceas'd. When these are over, they take up the Bed again, and carry it into the *Campus Martius*; where, in the widest part of the Field, is erected a foursquare Pile, entirely compos'd of

large

large Planks, in Shape of a Pavilion, and exactly regular and equal in the Dimensions. This in the inside is fill'd up with dry Chips, but without is adorn'd with Coverlids of Cloth of Gold, and beautified with Pictures, and curious Figures in Ivory. Above this is plac'd another Frame of Wood, much less indeed, but set off with Ornaments of the same Nature, and having little Doors or Gates standing open about it. Over this are set a Third and a Fourth Pile, every one being considerably less than that on which it stands; and so others perhaps, till they come to the least of all, which forms the Top. The Figure of this Structure altogether may be compar'd to those Watch Towers, which are to be seen in Harbours of Note, and by the Fire on their Top direct the Course of the Ships into the Haven. After this, hoisting up the Body into the second Frame of Building, they get together a vast Quantity of all manner of sweet Odours and Perfumes, whether of Fruits, Herbs, or Gums, and pour them in Heaps all about it: There being no Nation, or City, or indeed any Eminent Men, who do not rival one another in paying these last Presents to their Prince. When the Place is quite fill'd with a huge Pile of Spices and Drugs, the whole Order of Knights ride in a Solemn procession round the Structure, and imitate the Motions of the *Pyrrhic* Dance. Chariots too, in a very regular and decent Manner, are drove round the pile, having the Coach-men cloath'd in purple, and bearing the Images of all the Illustrious *Romans*, renown'd either for their Command and Administration at Home, or their Memorable Achievements in War. This Pomp being finish'd, the Successor to the Empire taking a Torch in his Hand, puts it to the Frame, and at the same time the whole Company assist in lighting it in several places, when on a sudden the Chips and Drugs catching Fire, the whole pile is quickly consum'd. At last, from the highest and smallest Frame of Wood, an Eagle is let loose, which ascending with the Flames towards the Sky is suppos'd to carry the Prince's Soul to Heaven.

CHAP. IX.

Of the ROMAN Entertainments.

THE peculiar Customs of the Romans in reference to eating and drinking will easily fall under the Three Heads of the Time, the Place, and the Manner of their Entertainments. As to the first, the Romans had no proper Repast besides Supper, for which the ordinary Time was about their Ninth Hour, or our Three a Clock. Thus *Martial* reckoning up the Business of every Hour,

Imperat exstructos frangere nona toros.

But the more frugal made this Meal a little before Sun-set, in the Declension of the Day.

Nunc eadem labente die convivio querit. Virg. *Æn.* 4.

On the other side the Voluptuous and Extravagant commonly begin their Feasts before the ordinary Hour. Thus *Horace*, Book 1. Od. 1.

*Nec partem solido demere de die
Spernit.*

And *Juvenal*, Sat. 10.

Exul ab octava Marius bibit.

Those that cou'd not hold out till Supper, us'd to break their Fast in some other part of the Day, some at the Second Hour, some at the Fourth, answering to our Eight and Ten; some at the Sixth or about Noon, others at the Eighth or our Two, as their Stomachs requir'd, or their Employments gave them leave. At this time they seldom eat any thing but a bit of Dry-bread, or perhaps a few Raisins or Nuts, or a little Honey. From the different Hours of taking this Breakfast, 'tis likely that the *jentaculum*, *prandium*, *merenda*, &c. had their original, being really the same Repast made by several persons at several times (a).

The PLACE in which the Romans eat, was anciently call'd *Cenaculum*. *Seneca*, *Suetonius* and others, stile it *Cenatio*. But

(a) *Dacier* on *Horace*, Book 1. Od. 1.

the most common Appellation, which they borrow'd from the *Gracians* was *Triclinium*. *Servius* on the first of the *Æneids* to that Verse.

Aurea composuit Spondâ mediumq; locavit.

takes an Occasion to reprehend those Grammarians who will have *Triclinium* to signify a Room to sup in, and not barely a Table. Yet (to omit a tedious Number of Citations from other Authors) Tully himself useth the Word in that Sence: For in one of his Epistles he tells *Atticus* (a) that when *Cæsar* came to *Philippi*, the Town was so full of Soldiers, as to leave *Cæsar* scarce a *Triclinium* to sup in.

Anciently the Romans us'd to sup sitting, as the Europeans at present, making use of a long Table.

Perpetuis soliti patres consistere mensis. Virg. *Æn.* 8.

Afterwards the Men took up a Custom of lying down, but the Women for sometime after still kept to sitting as the more decent Posture (b). The Children too of Princes and Noblemen for the same Reason us'd to sit at the Backs of the Couches (c), whence after a Dish or Two they withdrew without causing any Disturbance. Yet as to the Women 'tis evident that in after-times they us'd the same Posture at the Table as Men. Thus *Cicero* in an Epistle to *Petus* telling him of one *Clyteris*, a Gentlewoman that was lately at a Treat with him, makes use of the Word *accubuit*. And *Ovid* in his Fourth Love-Elegy of the First Book, adviseth his Mistress about her Carriage at the Table before her Husband,

*Cum premit ille torum, vultu comes ipse modesto
Ibū ut accumbas.*-----

And *Suetonius* relates, that at an entertainment of the Emperor *Caligula*, he plac'd all his Sisters one by one below himself, *uxore supra cubante, his Wife lying above him*.

When they began thus to lay down instead of sitting at Meat, they contriv'd a sort of Beds or Couches of the same nature with those on which they slept, but distinguish'd from them by

(a) Lib. 15. Epist. 50. (b) *Val. Max.* lib. 2. cap. 1. (c) *Tacitus* Ann. 13. *Suetonius* Claud. cap. 32.

the Name of *lecti tricliniorum*, or, *tricliniares*, the other being call'd *lecti cubicularii*.

They were made in several forms, but commonly foursquare, sometimes to hold Three or Four, sometimes Two Persons, or only one. Yet in the same Entertaining-Room it was observ'd to have all the Couches of the same Shape and Make. After the round Citron Tables grew in Fashion, they chang'd the Three Beds (which denominated the *Triclinium*) for the *Stribadium*, one single large Couch in the Shape of a Half-Moon, or of the *Græcian Sigma*, from which it sometimes borrow'd its Name, as in *Martial*.

Accipe lunatâ scriptumtestudine sigma.

These *Stribadia* took their several Names from the Number of Men that they held, as the *Hexaclinon* for Six, the *Heptaclinon* for Seven, and so on.

The higher the Beds were, the more Noble and Stately, and the more Decent too they were thought. Hence *Virgil* *Æn.* 2.

Inde toro pater Æneas sic orsus ab alto.

And again *Æn.* 6.

-----*Lucent genialibus alpis*
Aurea fulcra toris-----

On the contrary, low Couches were look'd on as so extremely Scandalous, that (as *Valerius Maximus* tells the Story) one *Ælius Tubero*, a Man of great Integrity and of very Noble Progenitors, being a Candidate for the Prætorship, lost the Place, only for making use of a low sort of Supping-Beds, when he gave the People a publick Entertainment (a).

On the Beds they laid a kind of Ticks or Quilts, stuffed with Feathers, Herbs, or Tow; which they call'd *culcitæ*. Over these they threw in ancient Times nothing but Goat's Skins; which were afterwards chang'd for the *stragula*, the Coverlids or Carpets: These we sometimes find under the Name of *toralia* on account of belonging to the *torus*. Thus in *Horace*,

-----*Ne turpe toral, ne sordida mappa*
Corruget nares. Lib. 2. *Epist.* 5.

(a) *Val. Max.* Lib. 7. cap. 5.

And

And again,

Et Tyrias dare circum illoa toralia, vestes. Lib. 2. *Sat.* 4.

On the Carpets were laid *Pulvini*, or Pillows, for the Guests to lean their Backs on.

'Twould be endless to describe the Variety and Richness of the Furniture with which they set off their Tables. It will be enough to observe from *Pliny*, that when *Carthage* was finally destroy'd by *Scipio Africanus*, the whole Mass of Treasure found in that City, which had so long contended for Riches, Glory and Empire with *Rome* it self, amounted to no more than what in *Pliny's* time was often laid out in the Furniture of a Table (a).

As to the manner of the Entertainment, the Guests in the first place Bath'd with the Matter of the Feast, and then chang'd their ordinary Cloths for the *vestis convivalis* or *cænatoria*, a light kind of Frock; at the same time having their *soleæ* pull'd off by the Slaves, that they might not foul the fine Carpets, and Furniture of the Beds. And now taking their Places, the first Man lay at the Head of the Bed, resting the fore Part of his Body on his Left-Elbow, and having a Pillow or Bolster to prop up his Back. The next Man lay with his Head towards the Feet of the first, from which he was defended by the Bolster that supported his own Back; commonly reaching over to the Navel of the other Man; and the rest after the same manner. Being settled on the Beds, in the next place they wash'd their Hands:

-----*Stratoq; super discumbitur ostro*
Dant manibus famuli lymphas. *Virg.* *Æn.* 1:

After this they were serv'd with Garlands, of Roses and whatever other Flowers were in Season, which they did not wear only on their Heads, but sometimes too about their Necks and Arms: This too was the time to present them with Essences and Perfumes.

The Number of Guests is by *Agellius* stated according to *Varro*, that they shou'd not be fewer than Three, or more than Nine; either to express the Number of the *Graces* or the *Muses*.

The most honourable Place was the middle Bed, and the middle of that. *Horace* describes the whole Order of sitting in his Eighth *Satyre* of the 2 Book:

Summus ego, & prope me Viscus Sabinus, & infra,
Si memini, Varius: cùm Servilio Balatrone

(a) *Nat. Hist.* lib. 33. cap. 11.

B b

Vibi

*Vibidius ; quos Mæcenas adduxerat umbras,
Nomentanus erat super ipsum, Porcius infra.*

So that *infra aliquem cubare* is the same as to lay in ones Bosom, as St. John is said to have done in our Saviour's ; whence Learned Men have thought that either the same Custom was observ'd in almost all Nations ; or else that the Jews, having been lately conquered by Pompey, conform'd themselves in this, as in many other respects, to the Example of their Masters.

At the beginning of the Feast they laid on their Bellies, their Breasts being kept up with Pillows, that they might have both their Hands at Liberty ; but towards the Latter End they either rested themselves on their Elbows, as Horace says,

Languidus in cubitum jam se conviva reponet.

And in another place,

Et cubito remanete presso. Catm. 1. Od. 27.

or if they had not a mind to talk, they lay all along ; all which Postures are to be seen in the old Marbles, which present the Draughts of an Entertainment.

They seem to have brought in the several Courses in Tables, and not by single Dishes ; as Servius observes on that of Virgil, Æn. 5.

Postquam prima quies epulis, mensæq; remota.

But some will understand by *mensæ* in that place, rather the Dishes than the Tables, because it follows presently after,

Dixit, & in mensâ laticum libavit honorem.

unless we suppose that as soon as the Table of Victuals was remov'd, another was set in its Place with nothing but Drink.

They wanted no manner of Diversion while they were eating, having ordinarily Musick and Antick Dances, and in Ancient Times Combats of Gladiators.

Plutarch tells us that Julius Caesar, once in a Treat which he made for the People, had no less than 22000 Triclinia, which is enough to give an Idea of their publick Entertainments.

C H A P. XII.

Of the ROMAN Names.

THE Roman Names, which many times grievously puzzle ordinary Readers may be divided into four sorts, the Names of the *ingenui*, or Free-Born, the Names of the Freed-Men and Slaves, the Names of the Women, and the Names of Adopted Persons.

The *Ingenui* had Three several Names, the *Prænomen*, the *Nomen*, and the *Cognomen*. Hence Juvenal Sat. 5.

-----*Si quid tentaveris unquam
Hiscere, tanquam habeas tria nomina.*-----

The *Prænomen* answers to our Christian Name, but was not impos'd till the assuming the Manly Gown. The Names of this sort most in use, together with the initial Letters, which ordinarily stand for them in Writing, are as follow ;

A. Aulus, C. Caius, D. Decimus, K. Cæso, L. Lucius, M. and M. Manius and Marcus, N. Numerius, P. Publius, Q. Quintus, T. Titus.

AP. Appius, CN. Cneus, SP. Spurius, TI. Tiberius, MAM. Mamercus, SER. Servius, SEX. Sextus.

The *Nomen* immediately follow'd the *Prænomen*, answering to the Grecian Patronymicks. For as among them the Posterity of Æacus had the Name of *Æacidae*, so the Julian Family in Rome were so call'd from Iulus or Ascanius. But there were several other Reasons which gave Original to some of the *Prænomens*, as living Creatures, Places, and Accidents, which are obvious in reading.

The *Cognomen* was added in the Third Place, on the Account of distinguishing Families, and was assum'd from no certain Cause, but usually from some particular Occurrence. But this must be understood principally of the first Original of the Name, for afterwards it was Hereditary, tho' frequently chang'd for a new one.

Grammarians usually add a fourth Name which they call *Agno-men* ; but this was rather an Honourable Title : As Cato was oblig'd with the constant Epithet of the *Wise*, Crassus of the *Rich* : And hence came the *Africani*, the *Asiatici*, the *Macedonici*, &c. Tully frequently uses *Cognomen* to signify these Appellations ; and there-

therefore there is no need of being so Scrupulous as to express our selves in these Cases, by the fourth Word.

The Slaves in Ancient Times had no Name, but what they borrowed from the *Prænomen* of their Master; as *Lucipor*, *Publipor*, *Marcipor*, as much as to say, *Lucii puer*, *Publii puer*, &c. (a). When this Custom grew out of Fashion, the Slaves were usually call'd by some proper Name of their own, sometimes of *Latine* and sometimes of *Græcian* Original; this was very often taken from their Country, as *Devus*, *Syrus*, *Geta*, &c. Upon their Manomission they took up the *Prænomen* and the *Nomen* of their Masters, but instead of the *Cognomen* made use of their former Name; as *Marcus Tullius Tyro*, the Freed-Man of *Cicero*. After the same Manner it was customary for any Foreigner who had been made a Free Denizen of *Rome*, to bear the *Nomen* and *Prænomen* of the Person on whose Account they obtain'd that Privilege.

The Women had Anciently their *Prænomens* as well as the Men, such as *Caia*, *Cecilia*, *Lucia*, &c. But afterwards they seldom us'd any other besides the proper Name of their Family, as *Julia*, *Marcia* and the like. Where there were two Sisters in a House, the distinguishing Terms were *Major* and *Minor*; if a greater Number, *Prima*, *Secunda*, *Tertia*, *Quarta*, *Quinta*, or by contraction, *Secundilla*, *Quartilla*, and *Quintilla*.

Adopted Persons assum'd all three Names of him who oblig'd them with this kindness, but as a Mark of their proper Descent added at the end either their former *Nomen* or *Cognomen*; the first exactly the same as before, (as *Q. Servilius Cepio Agalo Brutus* the Name of *M. Junius Brutus*, when adopted by *Q. Servilius Cepio Agalo*;) The other with some slight Alteration, as *C. Octavius* when adopted by *Julius Caesar* was call'd *C. Julius Caesar Octavianus*.

Tho' the Right and the Ceremony of *Adoption* be a Subject properly belonging to the Notice of Civil Lawyers; Yet it cannot be amiss to give some little Hints about the Nature of that Custom in general. Every one knows the meaning of the Word, and that to *Adopt* a Person was to take him in the room of a Son, and to give him a right to all Privileges which accompanied that Title. Now the Wisdom of the *Roman* Constitution made this Matter a Publick Concern. When a Man had a mind to *Adopt* another into his Family, he was oblig'd to draw up his Reasons, and to offer them to the College of the *Pontifices*, for their Ap-

(a) *Quintilian* Institut. lib. 1. cap. 4. *Plin.* N. H. lib. 33. cap. 1. probation.

probation. If this was obtain'd, on the Motion of the *Pontifices*, the *Consul*, or some other Prime Magistrate brought in a Bill at the *Comitia Curata*, to make the *Adoption* valid. The private Ceremony consist'd in buying the Person to be *Adopted*, of his Parents, for such a Sum of Money, formally given and taken: As *Sueton* tells us *Augustus* purchas'd his Grandsons *Caius* and *Lucius* of their Father *Agrippa*.

Anlus Gellius makes a Distinction between *Adoptio* and *Arrogatio*, as if the former belong'd only to the care of the *Praetor*, and was granted only to Persons under Age; the latter to the Cognizance of the People, and was the free Act of Persons grown up, and in their own power: But we learn from almost every Page of History, That the *Romans* were not so nice in their Practice, as he is in his Observation.

CHAP. XIII.

Of the ROMAN Money.

IN enquiring into the Difference and Value of the *Roman* Coins, we may begin with the lowest sort, that of *Braſs*. The *Æs* then, or most Ancient Money, was first stamp'd by *Servius Tullius*, whereas formerly it was distinguish'd only by Weight, and not by any Image. The first Image was that of *Pecus*, or small Cattel, whence it took the Name of *Pecunia*. Afterwards it had on one side the Beak of a Ship, on the other a *Janus*, and such were the Stamps of the *Æs*: For as for the *Triens*, *Quadrans*, and *Sextans*, they had the Impression of a Boat upon them. A long time did the *Romans* use this and no other Money, till after the War with *Pyrrhus*, A. U. C. 484. five Years before the first *Punick* War, Silver began to be coined. The Stamps upon the silver *Denarii* are for the most part Waggon, with Two or Four Beasts in them on the one side, and on the Reverse, the Head of *Rome*, with an Helmet. The *Victoriat* have the Image of Victory sitting; the *Sestertii* usually *Castor* and *Pollux* on the one side, and both on the Reverse the Image of the City: So the Custom continued during the Common-Wealth. *Augustus* caus'd *Capricorn* to be set upon his Coin, and the succeeding Emperors ordinarily their own Effigies: Last of all came up Coin of Gold, which was first stamp'd Sixty two Years after that of Silver, in the Consulship of *M. Livius Salinator*, with the same Stamp and Images.

Images. So much for the several Kinds of Money, we may now proceed to the several Pieces under every kind.

The *As* was so nam'd *quasi* *Æs* or Brass, being of that Metal, and at first consisted of a Pound weight, till in the first Punic War, the People being greatly impoverish'd, made six *Asses* of the same Value out of One. In the Second Punic War, Hannibal pressing very hardly upon them, and putting them to great Shifts, the *Asses* were reduced to an Ounce a piece; and in Conclusion by a Law of Papyrius was brought down to half an Ounce, and so continued. The *As* contain'd the tenth Part of the *Denarius* and was in Value of our Money about *ob. qua.* The *Semissis* or *Semi-as* half as much: The *Triens* was the Third Part of the *As*, the *Quadrans* the Fourth, by some call'd *Triuncus* and *Teruncius*, because it contain'd Three Ounces before the Value was diminish'd. The *Sextans* or Sixth Part was that which every Head contributed to the Funeral of Menenius Agrippa; but these were not sufficient for use, and therefore there were other Pieces made, as the *Uncia* or Twelfth Part of the Pound, the *Somuncia* of the weight of Four *Drachms*, and the *Sexiula* or Sixth Part of an Ounce. Varro speaks too of the *Decussis* in value Ten *Asses*, or of a *Denarius*; the *Vicessis* of Two *Denarii*, and so upwards to the *Centussis*, the greatest Brass Coin, in Value 100 *Asses*, 10 *Denarii*, and of our Money 6s. 3d.

For the Silver Money the old *Denarius* was so nam'd because it contain'd *denos æris* or *asses*, Ten *Asses*, tho' its Weight and Value was not all times alike. For the old Roman *Denarius* during the Common-Wealth, weigh'd the Seventh Part of an Ounce; and was in Value of our Money 8d. *ob. c.* with $\frac{1}{2}$; But the new *Denarius* which came up in the time of Claudius or a little before, weigh'd exactly an Attick *Drachm*, so that the Greek Writers when they speak of it, for every *Denarius* mention a *Drachm*; which of our Money was worth 7d. *ob.* Computations are generally made with reference to this new sort of *Denarius*; if respect be had to the antienter Times, then all reckonings are to be increas'd one seventh Part; for just so much the old one exceeded the new. When we meet with *Bigatus* and *Quadrigratus*, we must understand the same Coin as the *Denarius*, so call'd from the *Bigæ* and *Quadrigæ* stamp'd upon it. There was another Coin call'd *Victoriatius*, from the Image of Victory upon it, first stamp'd in Rome by an order of Clodius, in Value half a *Denarius*, and therefore nam'd also *Quinarius*, as containing the Value of Five *Asses*; it was worth of our Money 3d. *ob. q.* The next that follows, and which makes so much Noise

in

in Authors is the *Sestertius*, so call'd *quasi* *Sesquitertius*, because it contain'd Two *Asses* and half, being Half the *Victoriatius* and a fourth Part of the *Denarius*. 'Tis often call'd absolutely *Nummus*, because it was in most frequent Use, as also *Sestertius Nummus*; it was worth of our Money 1d. *ob. qu. q.* The *Obolus* was the sixth Part of the *Denarius*, equal to the Attick $\frac{1}{6}$ *ὀβολός*, as much as 1d. *qu.* with us. The *Libella* was the tenth Part of the *Denarius*, and equal in Value to the *As*; so called as a little Pound, being suppos'd equal to a Pound of Brass; worth of our Money *ob. qu.* The *Sembella*, as if written *Semi-libella*, was half this. And lastly the *Teruncius* was the fortieth Part of a *Denarius*, so nam'd because it was Worth Three Ounces of Brass; being inconsiderable in Value, and next to Nothing.

To come at last to the Golden Coins; those most remarkable were the *Aurei Denarii*, so term'd, either because they had the same stamp as the Silver *Denarii*, or because in Bigness they much resembled them. The old *Aureus* stamp'd during the Common-Wealth, weigh'd Two Silver *Denarii*; Worth of our Money 17s. 1d. *ob. qua.* The new *Aureus* stamp'd about the beginning of the Empire, was lighter than the Former by One Seventh Part; Weighing Two *Drachms*; Worth about 15s. of our Money. Thus they continued *Didrachmi* for the Time of the first Five *Cæsars*; and then lost much in their Weight by the Fraud and Avarice of the succeeding Princes. In Nero's Time they wanted a few Grains, under Galba a little more, under Nerva, Trajan, and Adrian no fewer than Eight; under Vespasian Ten, and the like under Antoninus Pius, M. Aurelius Severus, and others. Domitian indeed had in his Reign restor'd to the *Aurei* their full Weight of Two *Drachms*, and so did Aurelian afterwards, which was the last Regulation of the Matter while Rome continu'd to be the Seat of the Empire.

The Marks of the ordinary Coins are as follow. The *As* because at first it was a Pound-Weight, is thus Express'd L. and the *Sestertius*, because it contain'd in Value Two Pounds of Brass and a Half, thus HS. or IIS. The Mark of the *Quinarius* or *Victoriatius* was Λ. and of the *Denarius* X. or $\frac{1}{2}$.

The Summs in use among the Romans were chiefly Three; the *Sestertium*, the *Libra*, and the *Talent*. The *Sestertium* contain'd a Thousand *Sestertii*, about 7l. 16s. and 3d. of our Money. We don't indeed find it in any Ancient Author in the singular Number, as now it is us'd, but we very often meet with it in the Plural, tho' with the same Signification. In reckoning by *Sesterces* the Romans had an Art, which may be understood by these Three

Rules.

Rules. The First is, If a Numeral Noun agree in Case, Gender, and Number, with *Sestertius*, then it denotes precisely so many *Sestertii*, as *decem Sestertii* just so many. The second is this, If a Numeral Noun of another Case be join'd with the Genitive Plural of *Sestertius*, it denotes so many Thousand, as *Decem Sestertiū* signifies Ten Thousand *Sestertii*. Lastly, if the Adverb Numeral be join'd, it denotes so many Hundred Thousand, as *Decies Sestertiū* signifies Ten Hundred Thousand *Sestertii*; or if the Numeral Adverb be put by it self, the Signification is the same, *Decies* or *Vigies* stand for so many Hundred Thousand *Sestertii*, or as they say, so many Hundred *Sestertia*.

The *Libra* or pound, contain'd Twelve Ounces of Silver, or Ninety Six Drachms or later *Denarii*; and was worth of our Money 2*l*.

The Third Summ was the *Talent*, which contain'd Twenty Four *Sestertia*, and Six Thousand later *Denarii*, being the same with the *Attick Talent*. For the Names of *Talent*, *Mina*, and *Drachma*, the *Romans* took from the *Greeks*, as the *Greeks* borrow'd from them the *Libra* and the *Oncia*. The *Talent* was worth of our present Money 187*l*. 10*s*.

We meet too with a lesser Summ, term'd the *Sportula*, being what the rich Men gave to every one of their Clients after having waited upon them in Publick, and now and then at other times as they pleas'd to appoint. It was in Value about a Hundred *quadrantes* or 18 *d. ob. qua*. Formerly instead of this Summ they us'd to deal a Doal to the Clients without the Door, who receiv'd the Victuals in a little Basket made of a kind of Broom call'd *Sportum*.

FINIS.

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